IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FEDERAL TRADE COMMISSION, **Plaintiff,** **v.** **NATIONAL UROLOGICAL GROUP, INC., et al.,** **Defendants.**	**CIVIL ACTION NO.: 1:04-CV-3294-CAP**

DECLARATION OF GERALD M. GOLDHABER, Ph. D.

Comes now, Gerald M. Goldhaber, and pursuant to Title 28, United States Code, Section 1746, I certify under the penalty of perjury that the contents of the following declaration are true to the best of my knowledge, information and belief:

Background/Qualifications

1. I submit this Declaration, at the request of defendants Hi-Tech Pharmaceuticals, Inc., Jared Wheat, and Stephen Smith in the above-captioned matter (collectively, "Hi-Tech" or "Defendants"). I am generally familiar with the allegations set forth in the FTC's contempt application in this matter.

2. Attached to this declaration as Exhibit 1 is a copy of my CV which includes a list of all articles I have published in the past 10 years.

3. Attached to this Declaration as Exhibit 2 is a list of cases where I have testified during the previous four years as an expert at trial or by deposition.

4. I have no current financial or consulting relationship with any of the Defendants other than being compensated as an expert in this matter. I had no role in formulating any of the products at issue nor was I involved in either drafting or approving any of the advertising for same.

5. I have extensive experience in the area of warnings. I have a Ph. D from Purdue University in Organizational/Interpersonal Communications. I have been the Director of Graduate Studies and the Chairman of the Department of Communications at the State University of New York at Buffalo.

6. I am currently the President of Goldhaber Research Associates, LLC, a full-service international research firm, specializing in custom designed market research studies, public opinion polling, warnings research and litigation research. I have been evaluating and designing warnings for clients in business, industry and government for over thirty (30) years. I have authored numerous books and chapters in books on Communication and the effectiveness of warnings. A complete list of the books, chapters and other publications I have authored is included in my *curriculum vitae* which is annexed hereto as Exhibit 1.

Materials Reviewed

7. I have reviewed the labels for the four products at issue in this litigation: (1) Fastin; (2) Lipodrene; (3) Benzedrine and (4) Stimerex-ES.

8. I have also reviewed the labels of the following weight loss products that compete with the four products manufactured and marketed by Hi-Tech Pharmaceuticals: (1) Stacker 3; (2) Lipo 6X; (3) Hydroxycut Max; (4) Meltdown; (5) Redline Ultra Hardcore; (6) Lipo 6 Black; (7) Lipo 6 Ultra Concentrate; (8) Hydroxycut Hardcore Pro Series; (9) OxyELITE Pro; (10) Xenadrine Ripped and (11) Stacker 2 XPLC.

9. I have also reviewed the report of the FTC's expert, Dr. Louis Aronne, the FTC's application in support of its Order to Show Cause, the Final Judgment and Permanent Injunction entered in 2008 as well as Hi-Tech Pharmaceuticals' website and other promotional materials.

The Yohimbine Warning

10. It is my understanding that the Final Order and Permanent Injunction entered in 2008, required Hi-Tech Pharmaceuticals to include the following warning on all of its product labels:

WARNING: This product can raise blood pressure and interfere with other drugs you may be taking. Talk to your doctor about this product.

11. It is also my understanding that, while this warning was included on Hi-Tech's website and other promotional materials, it was not included on the product labels for the four products identified above.

12. Instead, the products contained the following warnings on their labels:

FASTIN

NOT FOR USE BY INDIVIDUALS UNDER THE AGE OF 18 YEARS. DO NOT USE IF PREGNANT OR NURSING. INDIVIDUALS WHO CONSUME CAFFEINE WITH THIS PRODUCT MAY EXPERIENCE SERIOUS ADVERSE HEALTH EFFECTS. INDIVIDUALS WHO ARE SENSITIVE TO THE EFFECTS OF CAFFEINE SHOULD CONSULT A LICENSED HEALTH CARE PROFESSIONAL BEFORE CONSUMING THIS PRODUCT

IN CASE OF ACCIDENTAL OVERDOSE, SEEK PROFESSIONAL ASSISTANCE OR CONTACT A POISON CONTROL CENTER IMMEDIATELY. AVOID ALCOHOL WHILE TAKING THIS PRODUCT. DO NOT EXCEED RECOMMENDED SERVING. EXCEEDING RECOMMENDED SERVING MAY CAUSE SERIOUS ADVERSE HEALTH EFFECTS, INCLUDING HEART ATTACK AND STROKE, DISCONTINUE USE AND CALL A PHYSICIAN OR LICENSED QUALIFIED HEALTHCARE PROFESSIONAL IMMEDIATELY IF YOU EXPERIENCE RAPID HEARTBEAT, DIZZINESS, SEVERE HEADACHE, SHORTNESS OF BREATH OR OTHER SIMILAR SYMPTOMS, IMPROPER USE OF THIS PRODUCT MAY BE HAZARDOUS TO A PERSON'S HEALTH. EXCEEDING RECOMMENDED SERVING WILL NOT IMROVE RESULTS.

> DO NOT USE FOR MORE THAN 8 WEEKS. CONSULT WITH YOUR PHYSICIAN PRIOR TO USE IF YOU HAVE A MEDICAL CONDITION, INCLUDING BUT NOT LIMITED TO HEART, LIVER, KIDNEY OR THYROID DISEASE, PSYCHIATRIC OR EPILEPTIC DISORDERS, DIFFICULTY URINATING, DIABETES, HIGH BLOOD PRESSURE, CARDIAC ARRHYTHMIA, RECURRENT HEADACHES, ENLARGED PROSTATE OR GLAUCOMA. CONSULT WITH YOUR PHSYCIAN PRIOR TO USE IF YOU ARE TAKING MEDICATION, INCLUDING, BUT NOT LIMITED TO MAOI INHIBITORS, ANTIDEPRESSANTS, ASPIRIN, NONSTEROIDAL ANTI-INFLAMMATORY DURGS OR PRODUCTS CONTAINING PHENYLEPHRINE, EPHEDRINE, PSUEDOEPHEDRINE OR OTHER STIMULANTS. DISCONTINUE USE TWO WEEKS PRIOR TO SURGERY. To report adverse effects call FDA's MedWatch at 1-800-332-1098.

A true and correct copy of the Fastin warning label is attached hereto as Exhibit 3.

BENZEDRINE:

> NOT FOR USE BY ANYONE UNDER THE AGE OF 18 YEARS. DO NOT USE IF YOU ARE PREGNANT OR NURSING. INDIVIDUALS WHO CONSUME CAFFEINE WITH THIS PRODUCT MAY EXPERIENCE SERIOUS ADVERSE HEALTH EFFECTS, INDIVIDUALS WHO ARE SENSITIVE TO THE EFFECTS OF CAFFEINE SHOULD CONSULT A LICENSED HEALTH CARE PROFESSIONAL BEFORE CONSUMING THIS PRODUCT
>
> IN CASE OF ACCIDENTAL OVERDOSE SEEK PROFESSIONAL ASSISTANCE OR CONTACT A POISON CONTROL CENTER IMMEDIATELY. AVOID ALCHOLHOL WHILE TAKING THIS PRODUCT. DO NOT EXCEED RECOMMENDED SERVING. EXCEEDING RECOMMENDED SERVING MAY CAUSE SERIOUS ADVERSE HEALTH EFFECTS INCLUDING HEART ATTACK AND STROKE. DISCONTINUE USE AND CALL A

LICENSED QUALIFIED HEALTHCARE PROFESSIONAL IMMEDIATELY IF YOU EXPERIENCE RAPID HEARTBEAT, DIZZINESS, SEVERE HEADACHE, SHORTNESS OF BREATH, OR OTHER SIMILAR SYMPTOMS, IMPROPER USE OF THIS PRODUCT MAY BE HAZARDOUS TO A PERSON'S HEALTH. EXCEEDING RECOMMENDED SERVING WILL NOT IMPROVE RESULTS.

DO NOT USE FOR MORE THAN TWO WEEKS. CONSULT WITH YOUR PHYSICIAN IF YOU HAVE A MEDICAL CONDITION, INCLUDING, BUT NOT LIMITED TO, HEART, LIVER, KIDNEY OR THYROID DISEASE, PSYCHIATRIC OR EPILEPTIC DISORDERS, DIFFICULTY URINATING, DIABETES, HIGH BLOOD PRESSURE, CARDIAC ARRHYTHMIA, RECURRENT HEADACHES, ENLARGED PROSTATE OR GLAUCOMA, CONSULT WITH YOUR PHYSICIAN PRIOR TO USE IF YOU ARE TAKING MEDICATION, INCLUDING BUT NOT LIMITED TO, MAIO INHIBITORS, ANTIDREPRESSENTS, ASPIRIN, NONSTEROAIDAL ANTI-INFLAMATORY DRUGS OR PRODUCTS CONTAINING PHENYLEPHRINE , EPHEDRINE, PSEUDOEPHEDRINE, OR OTHER STIMULANTS. DISCONTINUE USE TWO WEEKS PRIOR TO SURGERY.

To report adverse effects call FDA's MedWatch at 1.800.232.1088

A true and correct copy of the Benzedrine warning label is attached hereto as Exhibit 4.

LIPODRENE:

NOT FOR USE BY INDIVIDUALS UNDER THE AGE OF 18 YEARS. DO NOT USE IF YOU ARE PREGNANT OR NURSING. INDIVIDUALS WHO CONSUME CAFFEINE WITH THIS PRODUCT MAY EXPERIENCE SERIOUS ADVERSE HEALTH EFFECTS. INDIVIDUALS WHO ARE SENSITIVE TO THE

EFFECTS OF CAFFEINE SHOULD CONSULT A LICENSED HEALTH CARE PROFESSIONAL BEFORE CONSUMING THIS PRODUCT

CONTAINS CAFFEINE. DO NOT USE FOR MORE THAN 8 WEEKS. CONSULT WITH YOUR PHYSICIAN PRIOR TO USE IF YOU ARE PREGNANT OR NURSING OR IF YOU ARE TAKING MEDICATION, INCLUDING, BUT NOT LIMITED TO, HEART, LIVER, KIDNEY OR THYROID DISEASE, PSYCHIATRIC OR EPILECTIC DISORDERS, DIFFICULTY URINATING, DIABETES, HIGH BLOOD PRESSURE, CARDIAC ARRYTHMIA, RECURRENT HEADACHES, ENLARGED PROSTATE OR GLAUCOMA. DISCONTINUE 2 WEEKS PRIOR TO SURGERY OR IF YOU EXPERIENCE RAPID HARTBEAT, DIZZINESS, SEVERE HEADACHE OR SHORTNESS OF BREATH. IN CASE OF ACCIDENTAL OVERDOSE SEEK PROFESSIONAL ASSISTANCE OR CONTACT A POISON CONTROL CENTER IMMEDIATELY. AVOID ALCOHOL WHILE TAKING THIS PRODUCT. DO NOT EXCEED RECOMMENDED SERVINGS. EXCEEDING RECOMMENDED SERVING MAY CUASE SERIOUS ADVERSE HEALTH EFFECTS, INCLUDING HEART ATTACKS AND STROKE. DISCONTINUE USE AND CALL A PHYSICIAN OR LICENSED QUALIFIED HEALTH CARE PROFESSIONAL IMMEDIATEY IF YOU EXPERIENCE RAPID HEARTBEAT, DIZZINESS, SHORTNESS OF BREATH OR OTHER SIMILAR SYMPTOMS. IMPROPER USE OF THIS PRODUCT MAY BE HAZARDOUS TO A PERON'S HEALTH. EXCEEDING RECOMMENDED SERVING WILL NOT IMPROVE RESULTS. TO REPORT ADVERSE EFFECTS CALL FDA'S MEDWATCH AT 1-800-332-1088.

A true and correct copy of the Lipodrene warning label is attached hereto as Exhibit 5.

STIMEREX-ES:

NOT FOR USE BY INDIVIDUALS UNDER THE AGE OF 18 YEARS. DO NOT USE IF YOU ARE PREGNANT OR NURSING. INDIVIDUALS WHO CONSUME CAFFEINE WITH THIS PRODUCT MAY EXPERIENCE SERIOUS ADVERSE HEALTH EFFECTS. INDIVIDUALS WHO ARE SENSITIVE TO THE EFFECTS OF CAFFEINE SHOULD CONSULT A LICENSED HEALTH CARE PROFESSIONAL BEFORE CONSUMING THIS PRODUCT.

IN CASE OF ACCIDENTAL OVERDOSE SEEK PROFESSIONAL ASSISTANCE OR CONTACT A POISON CONTROL CENTER IMMEDIATELY. AVOID ALCOHOL WHILE TAKING THIS PRODUCT. DO NOT EXCEED RECOMMENDED SERVING. EXCEEDING RECOMMENDED SERVING MAY CAUSE SERIOUS ADVERSE HEALTH EFFECTS, INCLUDING HEART ATTACK AND STROKE. DISCONTINUE USE AND CALL A PHYSICIAN OR LICENSED QUALIFIED HEALTH CARE PROFESSIONAL IMMEDIATELY IF YOU EXPERIENCE RAPID HEARTBEAT, DIZZINESS, SEVERE HEADACHE, SHORTNESS OF BREATH, OR OTHER SIMILAR SYMPTOMS. IMPROPER USE OF THIS PRODUCT MAY BE HAZARDOUS TO A PERSON'S HEALTH. EXCEEDING RECOMMENDED SERVING WILL NOT IMPROVE RESULTS.

To report adverse effects call FDA's MedWatch at 1-800-332-1088 THESE STATEMENTS HAVE NOT BEEN EVALUATED BY THE FOOD AND DRUG ADMIINISTRATION. THIS PRODUCT IS NOT INTENDED TO DIAGNOSE, TREAT, CURE OR PREVENT ANY DISEASE.

A true and correct copy of the Stimerex warning label is attached hereto as Exhibit 6.

Competitor Warning Labels

13. As indicated above, I have also reviewed the warning labels for eleven (11) dietary supplements that compete with the products manufactured by Hi-Tech Pharmaceuticals. Seven (7) of these eleven (11) products also contain Yohimbine according to the ingredients listed on the label: (i) Lipo 6 Black Concentrate; (ii) Lipo 6 Black; (iii) Lipo 6X Advanced Formula; (iv) Redline Ultra Hardcore; (v) OxyElite Pro; (vi) Meltdown and (vii) Stacker 2 XPLC. None of these products contain any warning regarding Yohimbine specifically. Instead, each of the competitor products contains warnings similar to the warnings for Fastin, Lipodrene, Stimerex-ES and Benzedrine:

1) **Stacker 3 by NVE Pharmaceuticals** –

> **WARNING: NOT FOR USE BY MINORS, DO NOT USE IF YOU ARE PREGNANT OR NURSING.** INDIVIDUALS WHO CONSUME CAFFEINE WITH THIS PRODUCT MAY EXPERIENCE SERIOUS ADVERSE HEALTH EFFECTS. INDIVIDUALS WHO ARE SENSITIVE TO THE EFFECTS OF CAFFEINE SHOULD CONSULT A LICENSED HEALTH CARE PROFESSIONAL BEFORE CONSUMING THIS PRODUCT. KEEP OUT OF REACH OF CHILDREN. IN CASE OF ACCIDENTAL OVERDOSE, SEEK PROFESSIONAL ASSISTANCE OR CONTACT A POISON CONTROL CENTER IMMEDIATELY. AVOID ALCOHOL

WHILE TAKING THIS PRODUCT. DO NOT EXCEED RECOMMENDED SERVING. EXCEEDING RECOMMENDED SERVING MAY CAUSE SERIOUS ADVERSE HEALTH EFFECTS, INCLUDING HEART ATTACK AND STROKE. DISCONTINUE USE AND CALL A PHYSICIAN OR LICENSED QUALIFIED HEALTH CARE PROFESSIONAL IMMEDIATELY IF YOU EXPERIENCE RAPID HEARTBEAT, DIZZINESS, SEVERE HEADACHE, SHORTNESS OF BREATH, OR OTHER SIMILAR SYMPTOMS. IMPROPER USE OF THIS PRODUCT MAY BE HAZARDOUS TO A PERSON'S HEALTH. EXCEEDING RECOMMENDED SERVING WILL NOT IMPROVE RESULTS.

ANYONE WHO HAS AN ALLERGIC REACTION TO SHELLFISH SHOULD CONSULT A PHYSICIAN BEFORE USING THIS PRODUCT OR ANY PRODUCT CONTAINING CHITOSAN. SINCE SOME DRUGS MAY BE BOUND BY CHITOSAN, ANYONE TAKING ANY TYPE OF MEDICATION SHOULD CONSULT A PHYSICIAN BEFORE USING THIS PRODUCT OR ANY PRODUCT CONTAINING CHITOSAN.

NOT RECOMMENDED FOR USE BY MINORS. KEEP OUT OF REACH OF CHILDREN.

A true and correct copy of the Stacker 3 label is annexed hereto as Exhibit 7.

2) Lipo 6X--Lipo-6X

WARNING: IMPORTANT MUST READ LIPO 6X is absolutely not for use by persons under the age of 21. Do not use if pregnant or nursing. Never exceed recommended maximum dosage. Do not consume synephrine, caffeine or thyroid-boosting compounds from other sources, including but not limited to, coffee, tea, soda and other dietary supplements or medications containing phenylephrine or caffeine or any stimulants whatsoever. This product contains caffeine. Do not use this product for longer than 2 months. Consult your physician prior to use if you are taking medication, including but not limited to MAOI inhibitors, anti-depressants, aspirin, non-steroidal anti-inflammatory drugs or products containing phenylephrine, ephedrine, pseudoephedrine, phenylethlyamine or other stimulants. Consult your physician prior to use if you have a medical condition, including but not limited to heart, liver, kidney or thyroid disease, psychiatric disorders, difficulty urinating, diabetes, high blood pressure, caffeine arrhthymia, recurrent headaches, enlarged prostate or glaucoma. Discontinue use 2 weeks prior to surgery. Immediately discontinue if you experience rapid heart beat, dizziness, severe headaches or shortness of breath. This product contains ingredients that may be banned by some sports organizations. KEEP OUT OF REACH OF CHILDREN.

The statements on this label have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent disease.

A true and correct copy of the Lipo 6X label is annexed hereto as Exhibit 8.

3) Hydroxycut Hardcore –

> WARNING: Not intended for use by persons under 18. Do not use if pregnant or nursing. Discontinue use and consult a medical doctor if you experience unusual symptoms. Consult a medical doctor before use if you have been treated for, diagnosed with or have a family history of any medical condition or if you are using any prescription or over-the-counter drug(s), including blood thinners. One serving (2 capsules) of this product contains up to as much caffeine as 3 cups of coffee (325mg). Caffeine sensitive individuals may experience the following symptoms including (but not limited to) restlessness, nervousness, tremors, headache, anxiety, palpitations, increased heart rate or difficulty sleeping. Do not combine with other sources of caffeine. Consult a medical doctor before starting any diet or exercise plan. Do not exceed recommended serving. Improper use of this product will not improve results and is not advised. Use only as directed. **Do not use if packaging has been tampered with**. Store in a cool, dry place (60°F to 80°F). **KEEP OUT OF REACH OF CHILDREN.**

A true and correct copy of the HydroxyCut Hardcore label is annexed hereto as Exhibit 9.

4) Meltdown –

> **WARNING: NOT FOR USE BY INDIVIDUALS UNDER THE AGE OF 18 OR THOSE WITH A MEDICAL CONDITION. DO NOT USE IF PREGNANT OR NURSING**. Consult a physician or licensed qualified health care professional before using this product if you have, or have

had a family history of heart disease, thyroid disease, diabetes, high blood pressure, depression or other psychiatric condition, glaucoma, difficulty in urinating, prostate enlargement, or seizure disorder, or if you are using a monoamine oxidase inhibitor (MAOI) or any other dietary supplement, prescription drug, or over-the-counter drug containing ephedrine, pseudo ephedrine, or phenylpropanolamine (ingredients found in certain allergy, asthma, cough or cold, and weight-control products). Do not exceed recommended serving. Exceeding recommended serving may cause adverse health effects. Discontinue use and call a physician or licensed qualified health care professional immediately if you experience rapid heartbeat, dizziness, severe headache, shortness of breath, or other similar symptoms. Individuals who are sensitive to the effects of caffeine or have a medical condition should consult a licensed health care professional before consuming this product. Do not use this product if you are more than 15 pounds over weight. The consumer assumes total liability if this product is used in a manner inconsistent with label guidelines. Do not use for weight reduction. Do not consume synephrine or caffeine from other sources, including but not limited to, coffee, tea, soda and other dietary supplements or medications containing phenylephrine or caffeine. Contains caffeine. A true and correct copy of the Meltdown label is annexed hereto as Exhibit 10. **5) Redline Ultra Hardcore—**

WARNING: NOT FOR USE BY INDIVIDUALS UNDER THE AGE OF 18 YEARS. DO NOT USE IF PREGNANT OR NURSING. Consult a physician or licensed qualified health care professional before using this product if you have, or have a family history of, heart disease, thyroid disease, diabetes, high blood pressure, depression or other psychiatric condition, glaucoma, difficulty in urinating, prostate enlargement, or seizure disorder, or if you are using a monoamine oxidase inhibitor (MAOI) or any other dietary supplement, prescription drug, or over-the-counter drug containing ephedrine, pseudoephedrine, or phenylpropanolamine (ingredients found

> in certain allergy, asthma, cough or cold, and weight control products). Do not exceed recommended serving. Exceeding recommended serving may cause adverse health effects. Discontinue use and call a physician or licensed qualified health care professional immediately if you experience rapid heartbeat, dizziness, severe headache, shortness of breath, or other similar symptoms. Individuals who are sensitive to the effects of caffeine or have a medical condition should consult a licensed health care professional before consuming this product. Do not use this product if you are more than 15 pounds overweight. The consumer assumes total liability if this product is used in a manner inconsistent with label guidelines. Do not use for weight reduction. This product is intended for use by healthy individuals only. Do not use this product if you are pregnant or nursing or have any medical condition. KEEP OUT OF REACH OF CHILDREN.

A true and correct copy of the Redline Ultra Hardcore label is annexed hereto as Exhibit 11.

6) Lipo 6 Black—

> WARNING: IMPORTANT MUST READ: LIPO-6 Black is absolutely not for use by persons under the age of 21. Do not use if pregnant or nursing. Never exceed the recommended maximum dosage. Do not consume synephrine, caffeine or thyroid-boosting compounds from other sources, including but not limited to, coffee, tea, soda and other dietary supplements or medications containing phenylephrine or caffeine or any stimulants whatsoever. This product contains caffeine. Do not use this product for longer than 8 weeks and make sure that usage is followed by a 4 week off-period. Consult your physician prior to use if you are taking medication, including but not limited to, MAOI inhibitors, anti-depressants, aspirin, non-steroidal anti-inflammatory drugs or products containing phenylephrine, ephedrine, pseudoephedrine, phenylethylamine or other stimulants. Consult your physician prior to use if you have a medical condition, including but not limited to, heart,

liver, kidney or thyroid disease, psychiatric disorders, difficulty urinating, diabetes, high blood pressure, cardiac arrhythmia, recurrent headaches, enlarged prostate or glaucoma. Discontinue use 2 weeks prior to surgery. Immediately discontinue if you experience rapid heart beat, dizziness, severe headaches or shortness of breath. This product contains ingredients that may be banned by some sports organizations. KEEP OUT OF REACH OF CHILDREN.

A true and correct copy of the Lipo 6 Black label is annexed hereto as Exhibit 12.

7) Lipo 6 Black Ultra Concentrate—

WARNING: IMPORTAMT MUST READ. Lipo-6 Black Ultra Concentrate is absolutely not for use by persons under the age of 21. Do not use if pregnant or nursing. Never exceed the recommended maximum dosage. Do not consume synephrine, caffeine, or thyroid-boosting compounds from other sources, including but not limited to, coffee, tea, soda, and other dietary supplements or medications containing phenylephrine or caffeine or any stimulants whatsoever. This product contains caffeine. Do not this product for longer than 2 months. Consult your physician prior to use if you are taking medication, including but not limited to, MAOI inhibitors, anti-depressants, aspirin, non-steroidal anti-inflammatory drugs, or products including phenylephrine, ephedrine, pseudoephedrine, phenylethylamine or other stimulants. Consult your physician prior to use if you have a medical condition, including but not limited to, heart, liver, kidney or thyroid disease, psychiatric disorders, difficulty urinating, diabetes, high blood pressure, cardiac arrhythmia, recurrent headaches, enlarged prostate or glaucoma. Discontinue use 2 weeks prior to surgery. Immediately discontinue if you experience rapid heart beat, dizziness, severe headaches or shortness of breath. This product

> contains ingredients that may be banned by some sports organizations. KEEP OUT OF REACH OF CHILDREN. These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

A true and correct copy of the Lipo 6 Black Ultra Concentrate label is annexed hereto as Exhibit 13.

8) Hydroxycut Max! —

> **WARNING:** Not intended for use by persons under 18. Do not use if pregnant or nursing. Discontinue use and consult a medical doctor if you experience unusual symptoms. Consult a medical doctor before use if you have been treated for, diagnosed with or have a family history of any medical condition or if you are using any prescription or over-the-counter drug(s), including blood thinners. One serving (2 capsules) of this product contains up to as much caffeine as three cups of coffee (325mg). Caffeine sensitive individuals may experience the following symptoms including, (but not limited to), restlessness, nervousness, tremors, headache, anxiety, palpitations, increased heart rate, or difficulty sleeping. Do not combine with other sources of caffeine. Consult a medical doctor before starting any diet or exercise plan. Do not exceed recommended serving. Improper use of this product will not improve results and is not advised. Use only as directed. Do not use if packaging has been tampered with. Store in a cool, dry place (60°F to 80°F). KEEP OUT OF REACH OF CHILDREN

A true and correct copy of the Hydroxycut Max label is annexed hereto as Exhibit 14.

9) OxyELITE Pro —

> Warning: This product is only intended to be consumed by healthy adults 18 years of age or older. Pregnant or nursing women should not use this product. Consult with your health care provider before using this product, especially if you are taking any prescription, over the counter medication, dietary supplement product or if you

> have any pre-existing medical condition including but not limited to: high or low blood pressure, cardiac arrhythmia, stroke, heart, liver, kidney or thyroid disease, seizure disorder, psychiatric disease, diabetes, difficulty urinating due to prostate enlargement or if you are taking a MAO-B inhibitor or any other medication, including but not limited to MAOIs, SSRIs or any other compounds with serotonergic activity. This product contains caffeine and should not be taken by individuals wishing to eliminate this ingredient from their diet. Discontinue use 2 weeks prior to surgery. Do not use in combination with caffeine or any stimulants from other sources whatsoever, including but not limited to, coffee, tea, soda and other dietary supplements or medications. Do not combine with alcohol. Discontinue use and immediately consult your health care professional if you experience any adverse reaction to this product. Do not exceed recommended serving. Do not use if safety seal is broken or missing. KEEP OUT OF REACH OF CHILDREN.

A true and correct copy of the OxyELITE Pro label is annexed hereto as Exhibit 15.

10.) Xenadrine Ripped—

> WARNING: NOT INTENDED FOR USE BY PERSONS UNDER 18. Do not use if pregnant or nursing. Discontinue use and consult a medical doctor if you experience any unusual symptoms. Consult a medical doctor before use if you have been treated for or diagnosed with, or have a family history of any medical condition, or if you are using any prescription or over the counter drug(s), including blood thinners. One serving (2 capsules) of this product contains up to as much caffeine as 3 cups of coffee (325mg). Caffeine sensitive individuals may experience the

following symptoms including (but not limited to) restlessness, nervousness, tremors, headache, anxiety, palpitations, increased heart rate, or difficulty sleeping. Do not combine with other sources of caffeine. Consult a medical doctor before starting any diet or exercise program. Do not exceed recommended serving. Improper use of this product will not improve results and is not advised. Use only as directed. Do not use if packaging has been tampered with. Store in a cool, dry place. KEEP OUT OF REACH OF CHILDREN.

A true and correct copy of the Xenadrine RIPPED label is annexed hereto as Exhibit 16.

11.) Stacker 2 XPLC

WARNING: NOT RECOMMENDED FOR USE BY MINORS. DO NOT USE IF YOU ARE PREGNANT OR NURSING. CONSULT A PHYSICIAN OR LICENSED QUALIFIED HEALTCARE PROFESSIONAL BEFORE USING THIS PRODUCT IF YOU HAVE , ARE AT RISK FOR, OR HAVE A FAMILY HISTORY OF STROKE, HEART DISEASE, THYROID DISEASE, LIVER DISEASE, KIDNEY DISEASE, ULCER, DIABETES, HIGH BLOOD PRESSURE, CAFFEINE SENSITIVITY, RECURRENT HEADACHES, ANXIETY, DEPRESSION OR OTHER PSYCHIATRIC CONDITION, GLAUCOMA, DIFFICULTY URINATING, PROSTATE ENLARGEMENT, SEIZURE DISORDER, OR IF YOU ARE USING ANY OTHER DIETARY SUPPLEMENT, OR A MONAMINE OXIDISE INHIBITOR (MAOI), PRESCRIPTION DRUG OR OVER-THE-COUNTER DRUG CONTAINING

EPHEDRINE OR PSEUDOEPHEDRINE (FOUND IN SOME ALLERGY, ASTHMA AND COUGH/COLD PRODUCTS). DO NOT EXCEED RECOMMENDED SERVING. INDIVIDUALS WHO EXCEED RECOMMENDED SERVING OR CONSUME CAFFEINE WITH THIS PRODUCT MAY EXPERIENCE SERIOUS ADVERSE HEALTH EFFECTS, INCLUDING MUSCLE FUNCTION LOSS, CHILLS AND VERTIGO. STOP USE AND CALL A PHYSICIAN OR LICENSED QUALIFIED HEALTHCARE PROFESSIONAL IMMEDIATELY IF YOU EXPERIENCE RAPID HEARTBEAT, NAUSEA, INSOMNIA, DIZZINESS, SEVERE HEADACHE, SHORTNESS OF BREATH, OR SIMILAR SYMPTOMS. IN CASE OF OVERDOSE SEEK PROFESSIONAL ASSISTANCE OR CONTACT A POISON CONTROL CENTER IMMEDIATELY. AVOID ALCOHOL AND FOODS WITH TYRAMINE (SUCH AS CHEESE, RED WINE AND LIVER) WHILE TAKING THIS PRODUCT.

A true and correct copy of the Stacker XPLC label is annexed hereto as Exhibit 17.

Purpose of Product Warnings

14. Whether or not the warnings contained on the Fastin, Lipodrene, Stimerex-ES and Benzedrine labels would have conveyed to the average consumer with high blood pressure that the product may raise high blood pressure and interfere with other drugs he or she may be taking is basically a communication question. Communication is the process of creating and exchanging messages so that people can reduce the uncertainty they experience within their environment.

Uncertainty is the difference between the information we need and that which is available to make decisions. If we need more or less information than is available, we experience uncertainty. The former produces a condition known as "information underload" which typically results in uninformed decisions; the latter produces a condition known as "information overload" where, due to our inability to process all the available information, we may not be able to make a decision.

15. Applying the above theory to safety communications, a product warning serves the purpose of reducing product users' uncertainty about potential risks and documented hazards associated with the use of the product. Uncertainty here refers to the difference between information needed and available about the safe use of a product. The purpose of a product warning, thus, is to provide product users with the information they need to use the product safely. There is consensus among the professionals in the field of communication and warnings that warnings must deliver to users the information available about the risks and hazards that science and product use have clearly associated with a particular product, provided the consumers do not already possess this information.

The Regulatory Environment

16. The regulatory environment consists both of state and federal statutes and standards from professional societies and trade associations. A manufacturer would be bound by law or tradition to conform with any statute or standard mandating or recommending a warning for any product deemed to be at risk. There have been no standards or regulations either mandating or recommending that manufacturers of dietary supplements containing Yohimbine include the warning required by the Final Injunction in this case. I am not aware of any manufacturer of a dietary supplement containing Yohimbine that includes the warning ordered by the Court.

Summary of Opinions

17. Based on my review of the pertinent materials, and my experience as an expert in the area of warnings, it is my opinion that the warnings on the product labels for Fastin, Benzedrine, Lipodrene and Stimerex-ES are well designed and consistent with the standard of care in the dietary supplement industry.

18. It is also my opinion that the content of the warnings relating to high blood pressure would, in all probability, have communicated to the average consumer who has high blood pressure that they should consult with their

physician prior to taking either Fastin, Benzedrine, Lipodrene and Stimerex-ES because the product may have an effect on their blood pressure.

19. In this case, the product labels for three of the four Hi-Tech Products: Fastin, Benzedrine and Lipodrene instructed consumers to consult with a physician prior to use if they had a medical condition, including high blood pressure. The warning labels for these three products also advised consumers to consult with a physician if they were taking any medication. *See*, Exhibits 3-5. The Stimerex-ES label instructed consumers who were "sensitive to the effects of caffeine" to "consult a licensed healthcare provider before consuming this product." *See*, Exhibit 6.

20. I have been compensated for the preparation of this document at the rate of $575.00 per hour.

This 4th day of September, 2012.

Gerald M Goldhaber

GERALD M. GOLDHABER, Ph. D

Exhibit 1

GERALD MARTIN GOLDHABER, Ph.D.

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EDUCATION:

Ph.D. (1970)
Purdue University
Major: Organizational/Interpersonal Communication
Minors: Industrial Psychology
Statistics/Measurement
Dissertation: Experimental Study of the Effect of Ego-Involvement
(directed by W. Charles Redding)

M.A. (1967)
University of Maryland
Major: Communication Theory
Minor: Statistics/Measurement
Thesis: Listener Comprehension of Compressed Speech
(directed by Carl H. Weaver)

B.A. (1965)
University of Massachusetts
Major: Speech
Minor: Political Science

EMPLOYMENT HISTORY:

Director, Graduate Studies, Department of Communication
State University of New York at Buffalo (1999 – 2004)

Chairman, Department of Communication
State University of New York at Buffalo (1979 – 1988)

Associate Professor (1974 – 2004) and Associate Chairman
Department of Communication, State University of New York at Buffalo (1974 – 1975)

Assistant Professor Department of Speech Communication
University of New Mexico (1970 – 1974)

President, Goldhaber Research Associates, LLC (GRA)
1525 Amherst Manor Dr., Williamsville, NY 14221, a company that provides survey and polling information to decision makers in corporations, political and campaign groups, public organizations and the entertainment arts. GRA designs and evaluates warnings for clients in business, industry and government (1978 - present).

SELECTED HONORS AND AWARDS:	Visiting lecturer, University of Montreal (April, 1978) Visiting lecturer, Communication Institute, Hebrew University, Jerusalem (1984) Visiting lecturer, National Chengchi University, Taiwan (1988) Visiting lecturer, Tamkung University, Taiwan (1988) Visiting lecturer, People's University of China, Beijing (October, 1998) Visiting lecturer, Macquarie University, Sidney, Australia (November, 1998) Visiting lecturer, Chinese University of Hong Kong (November, 1998) Visiting lecturer, University of Barcelona (June, 1999) Visiting lecturer, Universitat Pompeu Fabra, Barcelona, Spain (June, 1999) New York Speech Communication Association, Scholar of the Year Award (1986) Temple Beth El of Greater Buffalo, 1995 Volunteer Services Award (January, 1996) Eastern Communication Association, Spotlight Award (April, 1996) Mortar Board Society, State University of New York at Buffalo, Honorary Member (May, 1996) National Society of Fund Raising Executives, Philanthropy Award (November, 1999)
MAJOR PROFESSIONAL MEMBERSHIPS:	**American Psychological Association** Human Factors and Ergonomics Society International Communication Association (Vice President 1974-1976) Marketing Research Association
MAJOR UNIVERSITY AND COMMUNITY SERVICE:	Temple Beth El of Greater Buffalo Vice President (1990-1992); President (1992-1994); Chairman of the Board (1994-1997) Shea's Center for the Performing Arts, Buffalo, NY Member, Board of Directors (1991-2002); Executive Committee Member (1994-2002); First Vice Chairman and CEO (1995-1997); Chairman of the Board of Directors (1997-2000) WBEN-AM, Buffalo, NY – Political Analyst and Commentator (1980-Present) WXXI-AM, Rochester, NY – Political Analyst and Commentator (1990-Present) State University of New York at Buffalo – Human Subjects Review Committee (1996) State University of New York at Fredonia – Member, Fredonia College Foundation Board of Directors (1997-2004); Vice Chairman of the Board (2001-2002); Chairman Elect (2003-2004) Opera Niagara – Member, Board of Directors, (1998-Present)

State University of New York at Buffalo, School of Informatics – Divisional Committee Chairman (2002-2004); Personnel Committee (2002-2004)

State University of New York at Buffalo – Academic Adjudication Committee (2002-2004)

PRIMARY EDITORIAL ASSIGNMENTS:

Human Communication Research – Review Editor (1979)
Communication Yearbook – Contributing Editor (1979)
Organizational Communication Abstracts – Editorial Board (1974-1994)
Journal of Communication – Advertising Manger (1970-1973); Contributing Editor (1976-1978)

COMMUNICATION CURRICULUM CONSULTANT FOR:

University of Wisconsin - River Falls (1974)
University of South Florida (1975)
University of Texas - San Antonio (1976)

PUBLICATIONS:

BOOKS

Goldhaber, G.M., Organizational Communication (Dubuque, Iowa: W.C. Brown, 1974, 2nd Ed., 1979, 3rd Ed., 1983, 4th Ed, 1987, 5th Ed., 1990, 6th Ed., 1993, McGraw-Hill, New York, NY; 7th Ed., 2002, SUNY Press, Buffalo, NY; 8th Ed., 2003, Buffalo, NY).
Translated by O. Wiio into Finnish, Organisatio Viestinta (Helsinki: Weilin and Goos, 1981). Translated by Jose Balaguer into Spanish, Communicacion Organizacional (Mexico City: Editorial Diana, 1984).

Burns, P., Shaner, S., Gartenberg, H., Mitchell, J., Eckert, M. and Goldhaber, G.M., Instructor's Manual for Organizational Communication (5th Ed.), (Dubuque, Iowa: W.C. Brown 1990).

Peterson, B., Goldhaber, G.M., and Pace, R.W. Editors), Communication Probes (Chicago: SRA, 1974, 2nd Ed., 1977, 3rd Ed., 1982).

Rosenfeld, L., Goldhaber, G.M., and Smith, V., Experiments in Human Communication, (New York: Holt, Rinehart, Winston, 1975).

Goldhaber, G.M. and Goldhaber, M.B. (Editors), Transactional Analysis, (Boston: Allyn and Bacon, 1976).

Zannes, E. and Goldhaber, G.M., Stand Up and Speak Out (Reading, MA: Addison Wesley, 1978, 2nd Ed.,1983).

Goldhaber, G.M. (Editor) Improving Institutional Communication (San Francisco: Jossey-Bass, 1978).

Goldhaber, G.M., Dennis, H., Richetto, G., and Wiio, O., Information Strategies: New Pathways to Corporate Power (Englewood Cliffs, NJ: Prentice Hall, 1979, 2nd Ed., 1984, Norwood, N.J.: Ablex Publishing Co.).

Goldhaber, G.M. and Rogers, D., Auditing Organizational Communication Systems: The ICA Audit (Dubuque, Iowa: Kendall-Hunt, 1979).

Goldhaber, G.M. and Barnett, G., (Editors) Handbook of Organizational Communication (Norwood, NJ: Ablex Publishing Co. 1988).

CHAPTERS IN BOOKS

Goldhaber, G.M. and Goldhaber, M.B., "Is Your Organization OK?" in Everybody Wins: Transactional Analysis Applied to Organizations by Dorothy Jongeward (Editor) (Reading, MA: Addison-Wesley Co., 1973) pp. 266-271.

Goldhaber, G.M., " Effects of Speech Compression Training on Comprehension of Native Speakers of English, Spanish, and Navajo," in Time-Compressed Speech by Sam Duker (Ed.),(Metuchen, NJ: Scarecrow Press, 1974), pp. 730-35.

Goldhaber, G.M., E. Baker and G. Richetto, "T.A. and O.D.: Research Needs," in Transactional Analysis by G.M. and M.B. Goldhaber (Eds.) (Boston: Allyn and Bacon, 1976) pp. 346-351.

Goldhaber, G.M., "Communication Variables in Organizations," in Reader in Library Communication by M. B. Cassata and R. C. Palmer (Eds.) (Englewood, CO: Information Handling Services, Library and Education Division, 1976) pp. 146-163.

Goldhaber, G.M., and Goldhaber, M.B., "A Model For Assessing the Effectiveness of T.A. Training for Airlines Personnel", in Transactional Analysis by G.M. and M.B. Goldhaber (Editors) (Boston: Allyn & Bacon, 1976) pp. 351-357.

Goldhaber, G.M., "Games Organizations Play", in Transactional Analysis by G.M. and M.B. Goldhaber (Eds.) (Boston: Allyn and Bacon, 1976), pp. 164-178.

Goldhaber, G.M., "Gay Talk", in Urban Communication, W. Arnold and J. Buley (Eds.) Winthrop Publishing Co., 1977, 82-115.

Goldhaber, G.M., "Evaluating Internal Communication: The ICA Communication Audit," in Improving Institutional Communication, G.M. Goldhaber (Ed.) (San Francisco: Jossey-Bass, 1978), pp. 37-54.

Rogers, D. and G.M. Goldhaber, "Conducting One's Own Communication Audit",in Improving Institutional Communication, G.M. Goldhaber (Ed.) (San Francisco: Jossey-Bass, 1978) pp. 55-70.

Goldhaber, G.M. and D. Rogers, "Reporting Results of Communication Audits", in Improving Institutional Communication, G.M. Goldhaber (Ed.) (San Francisco: Jossey-Bass, 1978) pp. 71-92.

Goldhaber, G.M. and W. Knoer, "Warm Flesh, Not Cold Plastic", in Communication Probes, B. Peterson, G. Goldhaber, R. Pace (Eds.)(Chicago: SRA, 1982, 3rd Ed.), pp. 97-103.

Goldhaber, G.M. and M.B. Goldhaber, "Transactional Analysis", in Communication Probes, B. Peterson,G. Goldhaber, R. Pace (Eds) (Chicago:SRA, 1982, 3rd Ed.), pp. 141-144.

Goldhaber, G.M., "Charisma," in Communication Probes by B. Peterson, G. Goldhaber, R. Pace (Eds.) (Chicago: SRA, 1982, 3rd Ed.), pp. 237-243.

Goldhaber, G.M. and D. Rogers, "Data Based Communication Consulting" in The Standard Handbook of Business Communication, D. Gootnick and M. Gootnick (Eds.) (New York: The Free Press 1984), pp. 321-349.

Goldhaber, G.M. and V. di Salvo, "The Communication Revolution" in Communicating Employee Responsibilities and Rights, C. Osigweh (Ed.) (New York: Quorum Books, 1987) pp. 119-132.

Goldhaber, G.M., "The Jury's Perspective in Products Liability Litigation: The Role of Communication Theory" in Products Liability in New York: Strategy and Practice, N. Goldberg (Ed.) (Albany, NY: New York State Bar Association, 1997) pp. 773-821.

Goldhaber, G.M., "Communication Variables in Organizations", in Readings in Communication, T. Jacobson and C. O'Donnell (Eds.) (Buffalo, NY: SUNY at Buffalo, 1997) pp. 55-73.

Goldhaber, G.M., "Organizational Communication in 1976: Present Domain and Future Directions", in Organizational Communication and Change, P. Salem (Ed.) (Cresskill, NJ: Hampton Press Inc., 1998).

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ARTICLES

Goldhaber, G.M. and C.H. Weaver, "Listener Comprehension of Compressed Speech When the Rate of Presentation, Difficulty of the Content and Sex of the Listener are Varied," Speech Monographs, 35: 20-25, March 1968.

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Goldhaber, G.M., "Managing The Impossible: So You Want to be a Department Chairperson?" Association for Communication Administration Bulletin, 15: 28-30, January 1976.

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Goldhaber, G.M., M. Yates, D. Porter, and R. Lesniak,"Organizational Communication Research– State of the Art: 1978", Human Communication Research, 5: 76-96, 1978.

Lesniak, R., M. Yates, G.M. Goldhaber, W. Richards, "NEGOPY and NETPLOT," Connections: Bulletin of the International Network for Social Network Analysis, 1: 26-29, Winter, 1978.

Dennis,H., G.M. Goldhaber, M. Yates, "Organizational Communication Theory and Research: An Overview of Research Methods," Communication Yearbook, 2: 243-269, 1978.

Goldhaber, G.M., "Warm Flesh Beats Cold Plastic," Vital Speeches of the Day, 45: 683-688, September 1, 1979.

Jain, H., R. Kanungo, and G.M. Goldhaber, "Attitudes Towards A Communication System: A Comparison of Anglophone and Francophone Hospital Employees,"Human Communication Research, 6: 178-84, Winter, 1980.

Wiio, O., G.M. Goldhaber, M. Yates, "Organizational Communication Research: Time for Reflection?", Communication Yearbook 4: 83-97, 1980.

Goldhaber, G.M., "The Charisma Factor--Using it To Win Elections," Campaigns and Elections Journal, 2: 4-17, Spring, 1981.

Goldhaber, G.M., "A Pollster's Sampler: An Analysis of Presidential Polling Techniques," Public Opinion, 7: 47-50, 53, June-July 1984.

Goldhaber, G.M. and M.A. deTurck, "Effects of Consumers' Familiarity with a Product on Attention to and Compliance with Warnings," Journal of Products Liability, 11:1, 29-37, March 1988.

Goldhaber, G.M. and M.A. deTurck, "A Dimensional Analysis of Signal Words," Forensic Reports, 1: 193-206, 1988.

Goldhaber, G.M. and M.A. deTurck, "Effectiveness of Warning Signs: Gender and Familiarity Effects," Journal of Products Liability, 11: 271-284, 1988.

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deTurck, M.A. and G.M. Goldhaber, "Perjury and Deceptive Judgments: How Timing and Modality of Witness Deception Affect Jurors' Deceptive Judgments". Communication Quarterly, 36: 4, 276-289, Fall 1988.

Goldhaber, G.M. and M. A. deTurck, "Effects of Product Warnings on Adolescents in an Educational Setting," Product Safety and Liability Reporter, 11: 949-955, September 1988.

deTurck, M.A. and G.M. Goldhaber, "Effectiveness of Product Warning Labels: Effects of Consumers' Information Processing Objectives". Journal of Consumer Affairs, 23: 1, 111-126, Summer 1989.

deTurck, M.A., G.M. Goldhaber, G.M. Richetto, "Effectiveness of Product Warnings: Effects of Language Valence, Redundancy and Color" Journal of Products Liability. 12: 93-102, 1989.

deTurck, M.A. and G.M. Goldhaber, "Effectiveness of Signal Words in Product Warnings: Effects of Familiarity and Gender," Journal of Products Liability. 12: 103-113, 1989.

deTurck, M.A. and G. M. Goldhaber, "A Developmental Analysis of Warning Signs: The Case of Familiarity and Gender," Journal of Products Liability. 13:1, 65-78, March, 1991.

deTurck, M.A. and G.M. Goldhaber, "Reward, Affect, and Attitude Change," Speech Communication Annual,5, 23-35. Geneseo, NY: The New York State Speech Communication Association, 1991.

deTurck, M.A., G. M. Goldhaber, and G. M. Richetto, "Uncertainty Reduction in Product Warnings: Effects of Fear and Color," Journal of Products Liability. 13: 339-346, 1991.

deTurck, M.A., G. M. Goldhaber, and G. M. Richetto, "Uncertainty Reduction in Product Warnings: Effects of Fear in Signal Word and Hazard Statement," Journal of Products Liability. 13: 329-338, 1991.

deTurck, M.A., G. M. Goldhaber, G. M. Richetto, M.J.Young, "Effects of Fear-Arousing Warning Messages," Journal of Products Liability. 14: 3/4, 217-223, 1992.

deTurck, M.A., G. M. Goldhaber, G. M. Richetto, "Effectiveness of Warnings on Alcoholic Beverages: Consumers' Information Processing Objectives and Level of Fear," Journal of Products Liability. 14: 3/4, 329-339, 1992.

deTurck, M.A., G. M. Goldhaber, G. M. Richetto, "Familiarity and Awareness: Effects of Conscious Versus Nonconscious Safety Information," Journal of Products Liability. 14: 3/4, 341-350, 1992.

deTurck, M.A. and G. M. Goldhaber, "Effects of Information Processing Objectives on Persuasion," Speech Communication Annual, 6, 79-106. Geneseo, NY: The New York State Speech Communication Association, 1992.

Goldhaber, G. M., "A National Survey About Parent Awareness of the Risk of Severe Brain Injury From Playing Football." Journal of Athletic Training, 28:4, 306-311, Winter, 1993.

deTurck, M.A. and G. M. Goldhaber, "A Developmental Analysis of Warning Signs: The Case of Familiarity and Gender," in Human Factors Perspectives on Warnings: Selections from Human Factors and Ergonomics Society Annual Meeting Proceedings, 1980-1993. Santa Monica, CA: Human Factors and Ergonomics Society, 72-76, 1994.

deTurck, M.A., G. M. Goldhaber, and G. M. Richetto, "Effectiveness of Alcohol Beverage Warning Labels: Effects of Consumer Information Processing Objectives and Color of Signal Word," Journal of Products and Toxics Liability. 17:3,187-195, 1995.

Goldhaber, G. M., "E-mail: Tool or Torment?", Communication World, 24-26, August-September, 2001.

Goldhaber, G.M., "Communication Audits in the Age of the Internet." Management Communication Quarterly, 15:3, 447-453, February, 2002.

Vishwanath, A. and G. M. Goldhaber,"An examination of the factors contributing to adoption decisions among late diffused technology products", New Media & Society, 5 (4), 547-572, 2003.

CONFERENCE PROCEEDINGS

deTurck, M.A. and G.M. Goldhaber, "Consumers' Information Processing Objectives and Effects of Product Warnings," Proceedings of the Human Factors Society, 32: 445-449, October, 1988.

Goldhaber, G.M. and M.A. deTurck, "A Developmental Analysis of Product Warning Effects: The Case of Gender and Familiarity", Proceedings of the Human Factors Society. 33: 1019-1023, October, 1989.

Goldhaber, G.M., "The Design and Evaluation of An On-Product Warning: Applying a Theoretical Model", Proceedings of the International Ergonomics Association, Triennial Congress, August, 2003. (Peer Reviewed)

CONGRESSIONAL TESTIMONY

Statement of G. M. Goldhaber before the Subcommittee on Transportation, Tourism and Hazardous Materials of the Committee on Energy and Commerce, U.S. House of Representatives on H. R. 4543, The Cigarette Testing and Liability Act of 1988." June 8, 1988.

Statement of G. M. Goldhaber before the Committee on Labor and Human Resources, U.S. Senate on S1883, The Tobacco Product Education and Health Protection Act of 1990." February 20, 1990.

Statement of G. M. Goldhaber before the Subcommittee on Health and the Environment of the Committee on Energy and Commerce, U.S. House of Representatives on H. R. 5041, The Tobacco Control and Health Protection Act." July 12, 1990.

Statement of G. M. Goldhaber before the Subcommittee on Health and the Environment of the Committee on Energy and Commerce, U.S. House of Representatives on H. R. 2147, The Fairness in Tobacco and Nicotine Regulation Act of 1993." March 25, 1994.

INTERVIEWS AND BIBLIOGRAPHIES

Goldhaber, G.M. and V.R. Smith, "Time-Compressed Speech: An Annotated Bibliography: ERIC, Speech Communication Module, July, 1973.

Goldhaber, G.M., "In Industry, Failure to Communicate," Newsday, 29: October 20, 1975 (interview).

Goldhaber, G.M., "Public Opinion Polling," PR Reporter, 20:3, May 23 1977; 20: 3, May 30, 1977; 20: 3, June 6, 1977; 20: 4, June 13, 1977, (A 4-part series of interviews on public opinion polling).

Goldhaber, G.M., "Image Making is Part of Scientific Approach in Campaigning," Campaign Insights, 8: 1-4, October 1977, (Interview).

Goldhaber, G.M., "McLuhan's Disputed Effect on Advertising," Ad Week, 22: 20-22, February 23, 1981 (Interview).

Goldhaber, G.M., "Charisma Factor: Secret to Rating Rubes on the Tube," Washington Star, C-2, July 10, 1981 (Interview)

Goldhaber, G.M., "Information is Lost in Electronic Meetings," Meeting News, 6:1 1,18, February 1982 (Interview).

Goldhaber, G.M., "How Gus Blythe Smelled Opportunity," Forbes, October 3, 1988 (Interview).

Goldhaber, G.M., "Silly Warnings", CBS Morning News, February 20, 1991 (Appearance/ Interview).

Goldhaber, G.M., "Human Factors Design: In Search of Effective Warnings," Medical Device & Diagnostic Industry, 60-66, November 1991 (Interview).

Goldhaber, G.M., "Product Paranoia," U.S. News and World Report, February 24, 1992 (Interview).

Goldhaber, G.M., "Buffalo: Operation Fizzle,", Time, 33, May 4, 1992 (Interview).

Goldhaber, G.M., "Does "No Fear" Really Promote No Restraint," San Jose Mercury News, 11C, November 6, 1993 (Interview).

Goldhaber, G.M., "The Science of Crying Wolf," Boston Globe, April 21, 1996 (Interview).

Goldhaber, G.M., "To Warn or Not to Warn, That is the Safety Question," Business First, April 22, 1996 (Column).

Goldhaber, G.M., "Danger: Warning Labels May Backfire", Wall Street Journal, April 28, 1997 (Interview).

Goldhaber, G.M., "Weird Warnings", Buffalo News, January 28, 2000 (Interview).

NATIONAL AND INTERNATIONAL LECTURES AND PAPERS

Monterrey, Mexico: International Symposium on Communication, October 1975. Delivered keynote address on organizational communication and conducted a workshop on communication audits.

Kobe, Japan: Communication Association of the Pacific, Distinguished Scholars Program, June, 1976. Delivered paper on communication audits.

Manila, Philippines: Philippine-American Communication Conference, July 1976. Presented paper on communication audits.

London, England: Communication Studies Group, May 1977. Presented paper on communication audits.

Berlin, Germany: International Communication Association, June 1977. Presented three papers and conducted a workshop on communication audits.

Brussels, Belgium: European Institute for Advanced Studies in Management, March, 1979. Presented paper on communication audits to Symposium on Organizational Communication.

Jerusalem, Israel: Visiting Lecturer, Hebrew University Communication Institute, March 1984.

Tokyo, Japan: World Media Conference, November, 1984. Presented paper on media and election projections.

Madrid, Spain: Symposium on the Informatic Revolution in the Mass Media, Association of European Journalists, October, 1985. Presented paper on communication technologies.

Mexico City, Mexico: Congress of the Mexican Association of Business Communicators, September 1987. Presented paper on communication technologies.

Taipei, Taiwan: Meeting of the Asia and World Institute, October 1988. Presented paper on 1988 Presidential Election.

Taipei, Taiwan: Congress of the Chinese Institute of Public Opinion, November 1988. Presented paper on effects of public opinion polling.

Taipei, Taiwan: Visiting lecturer, National Chengchi University, 1988.

Taipei, Taiwan: Visiting lecturer, Tamkung University, 1988.

Taipei, Taiwan: Member International Observation/Inspection Team to oversee National Taiwanese elections, December 1989.

Orlando, Florida: Trial Strategies Program sponsored by The Travelers, December 1989. Featured speaker on "The Problem of the Human Factors Engineer."

Orlando, Florida: Human Factors Society, 34th Annual Meeting, October 1990. Conducted workshop on "The Design and Development of Product Warning Systems."

Atlanta, Georgia: Human Factors Society, 36th Annual Meeting, October 1992. Conducted workshop on "The Design and Development of Product Warning Systems."

Chicago, Illinois: Defense Research Institute, Mid-Year Meeting, September 1993. Featured speaker on "Product Design and Warnings, The Impact of ANSI Z535."

Washington, DC: U.S. Consumer Product Safety Commission, February 1997. Participant in Chairman Ann Brown's Roundtable on "How to Motivate Young Teens to Use Safety Gear."

Beijing, China: Visiting lecturer, People's University of China, International Political Science and Journalism Departments, October 1998.

Sidney, Australia: Visiting lecturer, Macquarie University, Department of Media and Communication Studies, November 1998.

Hong Kong, China: Visiting lecturer, Chinese University of Hong Kong, Department of Journalism and Communication, November 1998.

Barcelona, Spain: Visiting lecturer, University of Barcelona, Institute of Social Sciences, June 1999.

Barcelona, Spain: Visiting lecturer, Universitat Pompeu Fabra, Political Science and Communication Studies Departments, June 1999.

Atlanta, Georgia: American Law Firm Association, Product Liability Practice Group Seminar, May 2000. Featured speaker on "The Design and Development of Product Warning Systems."

Atlanta, Georgia: National Communication Association, Annual Convention, November 2001. Featured speaker on "Communication Audits in the Age of the Internet."

Chicago, Illinois: International Association of Business Communicators, International Conference, June 2002. Featured speaker on: "E-mail vs. Face-to-Face Communication."

Further, I have received several academic honors and awards, research grants and completed many university and community service assignments as well as published several monographs and additional articles in non-refereed journals and delivered papers and speeches or conducted workshops at over 200 meetings of professional and local organizations.

April 2008

Exhibit 2

RECENT TRIAL & DEPOSITION TESTIMONY
GERALD M. GOLDHABER, Ph.D.

TRIAL TESTIMONY

Lewis v. Coleman (2009 NM)
Torrey v. Coleman (2009 CO)
Rincon v. Bishop (2010 TX)
Barnhard v. Cybex (2010 NY)

DEPOSITIONS

VantisLife v. SBLI (2007 MA)
Siravantha v. Premier (2007 CA)
Stout v. Stihl (2008 VA)
Riley v. Volkswagen (2008 MN)
Expedia Litigation (2009 WA)
Fortin v. UGL (2009 MA)
Wise v. Pulmosan (2009 LA)
Rincon v. Bishop Lifting (2009 TX)
Solis v. Norton Packaging (2010 TX)
Patterson v. Chase Boards (2011 HI)
Massucci v. Superior Rental (2011 CT)
Burks v. Abbott Laboratories (2012 MN)
Johnson v. Mead Johnson (2012 MN)
Millennium Laboratories v. Ameritox (2012 MD)
Smith v. Home Depot (2012 TX)
Accurso v. ECR International (2012 MA)

Exhibit 3

Supplement Facts

Serving Size: 1 Tablet — Servings per Container: 60

Amount Per Serving		% Daily Value
Proprietary blend with Thermo-Rx®: Phenylethylamine HCl, Methylsynephrine HCl, Theobromine Anhydrous, 1,3-Dimethylamine HCl, Synephrine HCl, N-Methyl-B-Phenylethylamine HCl, Yohimbine HCl	245mg	*
Caffeine (anhydrous)	100mg	*

*Daily Value not established

Other Ingredients: Dextrose, Microcrystalline Cellulose, Hydroxypropyl Methylcellulose, Staaric Acid, Megnesium Stearate, Sodium Starch Glycolate, Starch, Silica.

Directions: Take 1-2 tablets in the morning and 1 tablet after lunch. Do not exceed 4 tablets daily. Fastin® is heat and moisture sensitive, and the bottle should remain sealed after using. Keep desiccant in the bottle to avoid moisture. Store at room temperature 59°- 86°F protected from moisture, heat, and light. Failure to do so may cause pills to slightly turn brown. This will not affect the efficacy, potency or safety of the product, but will cause Fastin® to become brittle.

Manufactured by: Hi-Tech Pharmaceuticals, Inc.
6015-B Unity Drive • Norcross GA 30071 • 1.888.855.7919

[redacted]

WARNING: NOT FOR USE BY INDIVIDUALS UNDER THE AGE OF 18 YEARS. DO NOT USE IF YOU ARE PREGNANT OR NURSING. INDIVIDUALS WHO CONSUME CAFFEINE WITH THIS PRODUCT MAY EXPERIENCE SERIOUS ADVERSE HEALTH EFFECTS. INDIVIDUALS WHO ARE SENSITIVE TO THE EFFECTS OF CAFFEINE SHOULD CONSULT A LICENSED HEALTH CARE PROFESSIONAL BEFORE CONSUMING THIS PRODUCT.

(WARNINGS/INFORMATION CONTINUED ON THE BACK OF THE LABEL.) SALE TO PERSONS 17 YEARS OF AGE OR YOUNGER IS PROHIBITED.

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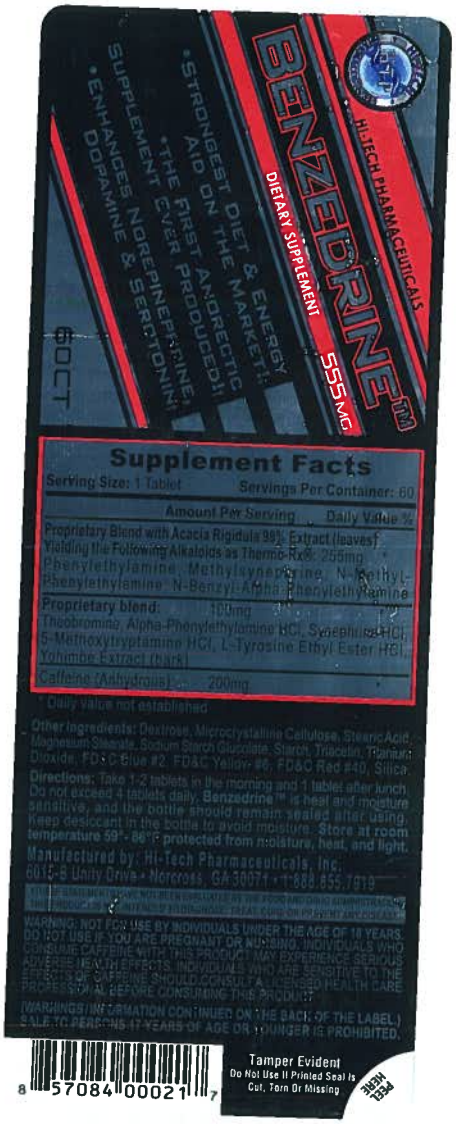
Tamper Evident
Do Not Use If Printed Seal Is Cut, Torn Or Missing

IN CASE OF ACCIDENTAL OVERDOSE, SEEK PROFESSIONAL ASSISTANCE OR CONTACT A POISON CONTROL CENTER IMMEDIATELY. AVOID ALCOHOL WHILE TAKING THIS PRODUCT. DO NOT EXCEED RECOMMENDED SERVING. EXCEEDING RECOMMENDED SERVING MAY CAUSE SERIOUS ADVERSE HEALTH EFFECTS, INCLUDING HEART ATTACK AND STROKE. DISCONTINUE USE AND CALL A PHYSICIAN OR LICENSED QUALIFIED HEALTH CARE PROFESSIONAL IMMEDIATELY IF YOU EXPERIENCE RAPID HEARTBEAT, DIZZINESS, SEVERE HEADACHE, SHORTNESS OF BREATH, OR OTHER SIMILAR SYMPTOMS. IMPROPER USE OF THIS PRODUCT MAY BE HAZARDOUS TO A PERSON'S HEALTH. EXCEEDING RECOMMENDED SERVING WILL NOT IMPROVE RESULTS.

DO NOT USE FOR MORE THAN 8 WEEKS. CONSULT WITH YOUR PHYSICIAN PRIOR TO USE IF YOU HAVE A MEDICAL CONDITION, INCLUDING BUT NOT LIMITED TO, HEART, LIVER, KIDNEY OR THYROID DISEASE, PSYCHIATRIC OR EPILEPTIC DISORDERS, DIFFICULTY URINATING, DIABETES, HIGH BLOOD PRESSURE, CARDIAC ARRHYTHMIA, RECURRENT HEADACHES, ENLARGED PROSTATE OR GLAUCOMA. CONSULT WITH YOUR PHYSICIAN PRIOR TO USE IF YOU ARE TAKING MEDICATION, INCLUDING BUT NOT LIMITED TO, MAOI INHIBITORS, ANTIDEPRESSANTS, ASPIRIN, NONSTEROIDAL ANTI-INFLAMMATORY DRUGS OR PRODUCTS CONTAINING PHENYLEPHRINE, EPHEDRINE, PSEUDOEPHEDRINE, OR OTHER STIMULANTS. DISCONTINUE USE TWO WEEKS PRIOR TO SURGERY.

To report adverse effects call FDA's MedWatch at 1.800.332.1088

Exhibit 4


BENZEDRINE™
555MG
HI-TECH PHARMACEUTICALS
DIETARY SUPPLEMENT
•STRONGEST DIET & ENERGY AID ON THE MARKET!
•THE FIRST ANORECTIC PRODUCED!
SUPPLEMENT EVER
•ENHANCES NOREPINEPHRINE, DOPAMINE & SEROTONIN!
Supplement Facts
Serving Size: 1 Tablet
Servings Per Container: 60
Amount Per Serving
Daily Value %
Proprietary Blend with Acacia Rigidula 99% Extract (leaves)
Yielding the Following Alkaloids as Thermo-Rx®: 255mg
Phenylethylamine, Methylsynephrine, N-Ethyl-Phenylethylamine, N-Benzyl-Alpha-Phenylethylamine
Proprietary blend: 100mg
Theobromine, Alpha-Phenylethylamine HCl, Synephrine HCl, 5-Methoxytryptamine HCl, L-Tyrosine Ethyl Ester HCl, Yohimbe Extract (bark)
Caffeine (Anhydrous) 200mg
Daily Value not established
Other Ingredients: Dextrose, Microcrystalline Cellulose, Stearic Acid, Magnesium Stearate, Sodium Starch Glycolate, Starch, Triacetin, Titanium Dioxide, FD&C Blue #2, FD&C Yellow #6, FD&C Red #40, Silica.
Directions: Take 1-2 tablets in the morning and 1 tablet after lunch. Do not exceed 4 tablets daily. Benzedrine™ is heat and moisture sensitive, and the bottle should remain sealed after using. Keep desiccant in the bottle to avoid moisture. Store at room temperature 59°-86°F protected from moisture, heat, and light.
Manufactured by: Hi-Tech Pharmaceuticals, Inc.
6015-B Unity Drive • Norcross, GA 30071 • 1-888-855-7919
WARNING: NOT FOR USE BY INDIVIDUALS UNDER THE AGE OF 18 YEARS. DO NOT USE IF YOU ARE PREGNANT OR NURSING. INDIVIDUALS WHO CONSUME CAFFEINE WITH THIS PRODUCT MAY EXPERIENCE SERIOUS ADVERSE HEALTH EFFECTS. INDIVIDUALS WHO ARE SENSITIVE TO THE EFFECTS OF CAFFEINE SHOULD CONSULT A PHYSICIAN OR HEALTH CARE PROFESSIONAL BEFORE CONSUMING THIS PRODUCT.
(WARNINGS INFORMATION CONTINUED ON THE BACK OF THE LABEL.)
SALE TO PERSONS 17 YEARS OF AGE OR YOUNGER IS PROHIBITED.
8 57084 00021 7
Tamper Evident
Do Not Use If Printed Seal Is Cut, Torn Or Missing

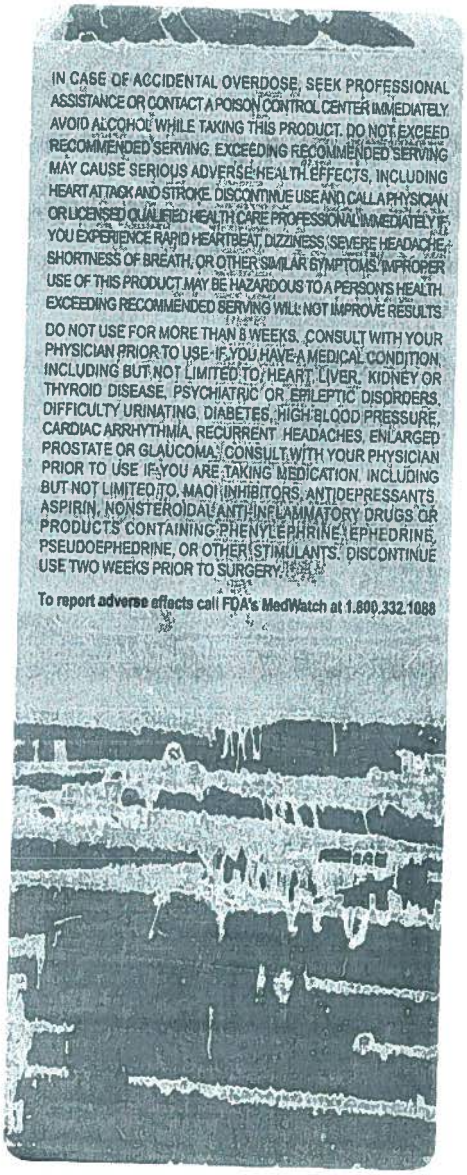
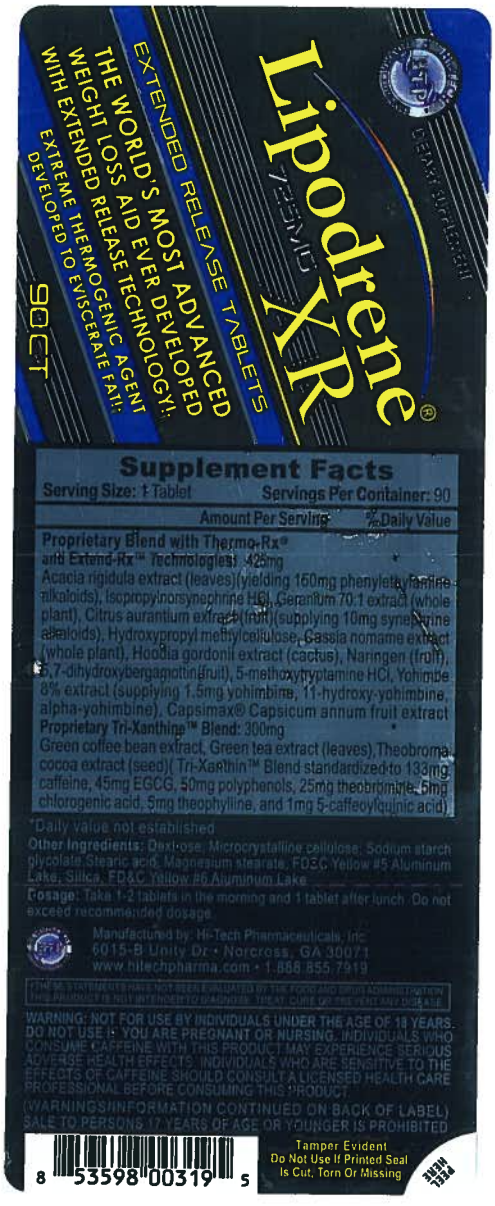
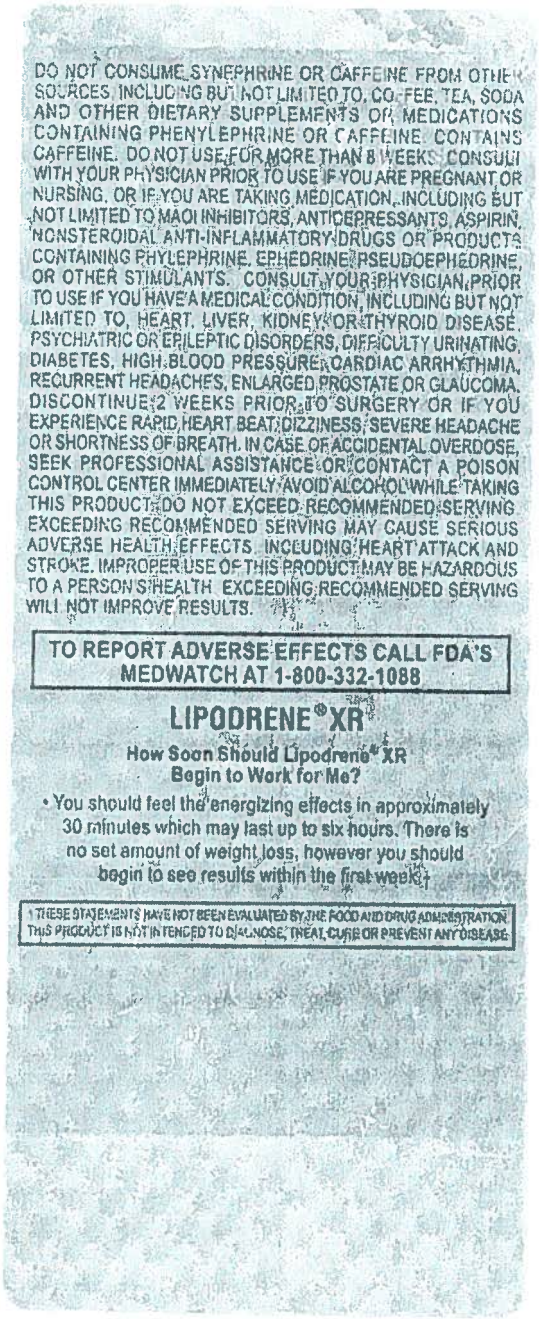

IN CASE OF ACCIDENTAL OVERDOSE, SEEK PROFESSIONAL ASSISTANCE OR CONTACT A POISON CONTROL CENTER IMMEDIATELY. AVOID ALCOHOL WHILE TAKING THIS PRODUCT. DO NOT EXCEED RECOMMENDED SERVING. EXCEEDING RECOMMENDED SERVING MAY CAUSE SERIOUS ADVERSE HEALTH EFFECTS, INCLUDING HEART ATTACK AND STROKE. DISCONTINUE USE AND CALL A PHYSICIAN OR LICENSED QUALIFIED HEALTH CARE PROFESSIONAL IMMEDIATELY IF YOU EXPERIENCE RAPID HEARTBEAT, DIZZINESS, SEVERE HEADACHE, SHORTNESS OF BREATH, OR OTHER SIMILAR SYMPTOMS. IMPROPER USE OF THIS PRODUCT MAY BE HAZARDOUS TO A PERSON'S HEALTH. EXCEEDING RECOMMENDED SERVING WILL NOT IMPROVE RESULTS.
DO NOT USE FOR MORE THAN 8 WEEKS. CONSULT WITH YOUR PHYSICIAN PRIOR TO USE IF YOU HAVE A MEDICAL CONDITION, INCLUDING BUT NOT LIMITED TO, HEART, LIVER, KIDNEY OR THYROID DISEASE, PSYCHIATRIC OR EPILEPTIC DISORDERS, DIFFICULTY URINATING, DIABETES, HIGH BLOOD PRESSURE, CARDIAC ARRHYTHMIA, RECURRENT HEADACHES, ENLARGED PROSTATE OR GLAUCOMA. CONSULT WITH YOUR PHYSICIAN PRIOR TO USE IF YOU ARE TAKING MEDICATION, INCLUDING BUT NOT LIMITED TO, MAOI INHIBITORS, ANTIDEPRESSANTS, ASPIRIN, NONSTEROIDAL ANTI-INFLAMMATORY DRUGS OR PRODUCTS CONTAINING PHENYLEPHRINE, EPHEDRINE, PSEUDOEPHEDRINE, OR OTHER STIMULANTS. DISCONTINUE USE TWO WEEKS PRIOR TO SURGERY.
To report adverse effects call FDA's MedWatch at 1.800.332.1088

Exhibit 5





DO NOT CONSUME SYNEPHRINE OR CAFFEINE FROM OTHER SOURCES, INCLUDING BUT NOT LIMITED TO, CO-FEE, TEA, SODA AND OTHER DIETARY SUPPLEMENTS OR MEDICATIONS CONTAINING PHENYLEPHRINE OR CAFFEINE. CONTAINS CAFFEINE. DO NOT USE FOR MORE THAN 8 WEEKS. CONSULT WITH YOUR PHYSICIAN PRIOR TO USE IF YOU ARE PREGNANT OR NURSING, OR IF YOU ARE TAKING MEDICATION, INCLUDING BUT NOT LIMITED TO MAOI INHIBITORS, ANTIDEPRESSANTS, ASPIRIN, NONSTEROIDAL ANTI-INFLAMMATORY DRUGS OR PRODUCTS CONTAINING PHYLEPHRINE, EPHEDRINE, PSEUDOEPHEDRINE, OR OTHER STIMULANTS. CONSULT YOUR PHYSICIAN PRIOR TO USE IF YOU HAVE A MEDICAL CONDITION, INCLUDING BUT NOT LIMITED TO, HEART, LIVER, KIDNEY OR THYROID DISEASE, PSYCHIATRIC OR EPILEPTIC DISORDERS, DIFFICULTY URINATING, DIABETES, HIGH BLOOD PRESSURE, CARDIAC ARRHYTHMIA, RECURRENT HEADACHES, ENLARGED PROSTATE OR GLAUCOMA. DISCONTINUE 2 WEEKS PRIOR TO SURGERY OR IF YOU EXPERIENCE RAPID HEART BEAT, DIZZINESS, SEVERE HEADACHE OR SHORTNESS OF BREATH. IN CASE OF ACCIDENTAL OVERDOSE, SEEK PROFESSIONAL ASSISTANCE OR CONTACT A POISON CONTROL CENTER IMMEDIATELY. AVOID ALCOHOL WHILE TAKING THIS PRODUCT. DO NOT EXCEED RECOMMENDED SERVING. EXCEEDING RECOMMENDED SERVING MAY CAUSE SERIOUS ADVERSE HEALTH EFFECTS, INCLUDING HEART ATTACK AND STROKE. IMPROPER USE OF THIS PRODUCT MAY BE HAZARDOUS TO A PERSON'S HEALTH. EXCEEDING RECOMMENDED SERVING WILL NOT IMPROVE RESULTS.

TO REPORT ADVERSE EFFECTS CALL FDA'S MEDWATCH AT 1-800-332-1088

LIPODRENE® XR

How Soon Should Lipodrene® XR Begin to Work for Me?

- You should feel the energizing effects in approximately 30 minutes which may last up to six hours. There is no set amount of weight loss, however you should begin to see results within the first week.

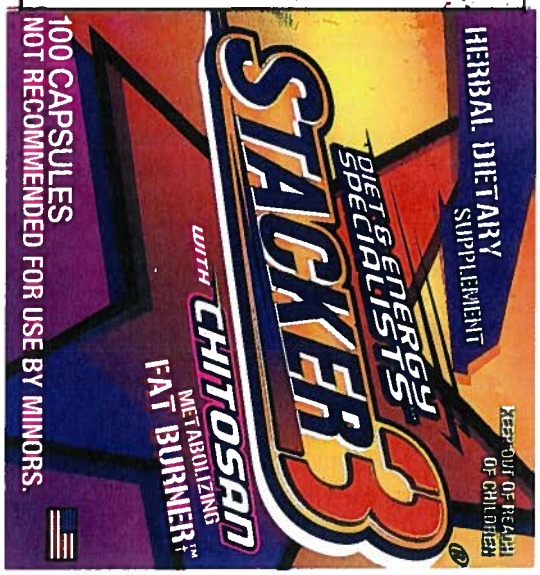
† THESE STATEMENTS HAVE NOT BEEN EVALUATED BY THE FOOD AND DRUG ADMINISTRATION. THIS PRODUCT IS NOT INTENDED TO DIAGNOSE, TREAT, CURE OR PREVENT ANY DISEASE.

Exhibit 6


EPHEDRA FREE
Slimlox
FAT BURNER
ENERGIZER
100 Capsules
Dietary Supplement
SUPPLEMENT FACTS
Serving Size: 1 Capsule
Amount Per Serving
% DV
Proprietary Blend
500mg
Citrus Aurantium (fruit) (35mg Synephrine)
Acacia Rigidula 70 % extract (leaves)
Theobroma Cocoa Extract (seed)
Phenylethylamine HCL Green Tea Extract
(leaves), Naringen (fruit), 3-Dimethyl
Aminoethanol Bitartrate, Yohimbe Extract (bark)
Caffeine (anhydrous)
150mg
**Daily value not established
Other Ingredients: Gelatin, Sodium Lauryl Sulfate,
Purified Water, Sodium Propionate, Edetate Calcium
Disodium, Benzyl Alcohol, Butyl Paraben, Propyl
Paraben, Methyl Paraben, FD&C Blue #1, FD&C Red #40
Dosage: Take 1 capsule three times daily.
Manufactured for:
Hi-Tech Pharmaceuticals
6015-B Unity Drive
Norcross GA 30071 (888) 855-7919
8 57084 00027 9

Exhibit 7

THESE STATEMENTS HAVE NOT BEEN EVALUATED BY THE FOOD AND DRUG ADMINISTRATION. THIS PRODUCT IS NOT INTENDED TO DIAGNOSE, TREAT, CURE, OR PREVENT ANY DISEASE.



SUPPLEMENT FACTS
SERVING SIZE: 1 CAPSULE

	AMOUNT PER SERVING
PROPRIETARY BLEND KOLA NUT (SEEDS)(4mg CAFFEINE GROUP ALKALOIDS), CACTUS EXTRACT 12:1 (WHOLE PLANT), WHITE WILLOW BARK, GRAPEFRUIT EXTRACT (FRUIT), CHITOSAN (SHELLFISH)	225 mg*
CAFFEINE (ANHYDROUS)	250 mg*
TRI-GUARCINIA³ COMPLEX™ GREEN TEA (LEAVES)(<1mg CAFFEINE GROUP ALKALOIDS), GUARANA (SEEDS), GARCINIA (FRUIT)	25mg*

*DAILY VALUE NOT ESTABLISHED

OTHER INGREDIENTS: GELATIN, DEXTROSE, STEARIC ACID, MAGNESIUM STEARATE, TITANIUM DIOXIDE, FD&C RED #3, FD&C BLUE #1, FD&C RED #40, FD&C YELLOW #5

SUGGESTED USE: ONE CAPSULE AFTER MEALS. DO NOT EXCEED 3 DAILY.

WARNING: NOT FOR USE BY MINORS. DO NOT USE IF YOU ARE PREGNANT OR NURSING. INDIVIDUALS WHO CONSUME CAFFEINE WITH THIS PRODUCT MAY EXPERIENCE SERIOUS ADVERSE HEALTH EFFECTS. INDIVIDUALS WHO ARE SENSITIVE TO THE EFFECTS OF CAFFEINE SHOULD CONSULT A LICENSED HEALTH CARE PROFESSIONAL BEFORE CONSUMING THIS PRODUCT.

(WARNINGS/ INFORMATION CONTINUED ON BACK OF LABEL)

Peel Here

LOT 1198640EXP.11/13

IN CASE OF ACCIDENTAL OVERDOSE, SEEK PROFESSIONAL ASSISTANCE OR CONTACT A POISON CONTROL CENTER IMMEDIATELY. AVOID ALCOHOL WHILE TAKING THIS PRODUCT. DO NOT EXCEED RECOMMENDED SERVING. EXCEEDING RECOMMENDED SERVING MAY CAUSE SERIOUS ADVERSE HEALTH EFFECTS, INCLUDING HEART ATTACK AND STROKE. DISCONTINUE USE AND CALL A PHYSICIAN OR LICENSED QUALIFIED HEALTH CARE PROFESSIONAL IMMEDIATELY IF YOU EXPERIENCE RAPID HEARTBEAT, DIZZINESS, SEVERE HEADACHE, SHORTNESS OF BREATH, OR OTHER SIMILAR SYMPTOMS. IMPROPER USE OF THIS PRODUCT MAY BE HAZARDOUS TO A PERSON'S HEALTH. EXCEEDING RECOMMENDED SERVING WILL NOT IMPROVE RESULTS.

ANYONE WHO HAS AN ALLERGIC REACTION TO SHELLFISH SHOULD CONSULT A PHYSICIAN BEFORE USING THIS PRODUCT OR ANY PRODUCT CONTAINING CHITOSAN. SINCE SOME DRUGS MAY BE BOUND BY CHITOSAN, ANYONE TAKING ANY TYPE OF MEDICATION SHOULD CONSULT A PHYSICIAN BEFORE USING THIS PRODUCT OR ANY PRODUCT CONTAINING CHITOSAN.

NOT RECOMMENDED FOR USE BY MINORS.
KEEP OUT OF REACH OF CHILDREN.

Manufactured by:
NVE Pharmaceuticals, the makers of Stacker 2®

D0012010

MADE IN USA

www.stacker2.com • 1-800-LITE-LINE

Exhibit 8

Vcaps
Capsules of Plant Origin
Free of Animal Products

LIQUID MULTI-PHASE™ TECHNOLOGY

Lipo-6X is the world's most advanced fat burner using a new and superior liquid *MULTI-PHASE™* technology. This unique *MULTI-PHASE™* technology combines rapid liquid capsule delivery with controlled-release inside capsule technology. What this means is that Lipo-6X is the only fat burner that has multiple release phases, both fast and extended:

Phase #1 Rapid Release Liquid Capsule:
The outer liquid capsule of Lipo-6X ensures a rapid and almost instant uptake of its appetite-suppressing, fat-burning, thyroid-boosting and energy-promoting ingredients. Within minutes of taking Lipo-6X you will feel all the liquid pharmaceutical-grade compounds working for you.

Phase #2 Controlled and Extended Release Inside Capsule:
Unlike standard fat-burning formulas, whose effects come and go quickly, Lipo-6X continues to work for you over an extended period of time. By selectively putting some of the ingredients in the form of beadlets into a separate capsule, that sits inside the liquid capsule, the absorption rate can now be controlled. This greatly extends the amount of time these ingredients are active, which means that the appetite-suppressing, thyroid-boosting and fat-burning effects of Lipo-6X continue to work for many hours allowing you to consistently lose weight around the clock.

Lipo-6X is the first and only fat burner that offers speed and duration. A quick and rapid onset of its powerful fat-burning and energy-promoting effects, combined with a controlled and extended release, will ensure maximum results day and night.

Developed by and exclusively manufactured for:
Nutrex Research, Inc.
Oviedo, FL 32765 • Nutrex.com • 1-888-3NUTREX

8 53237 00028 8

Nutrex RESEARCH

LIPO 6X™

ADVANCED FORMULA

LIQUID MULTI-PHASE™ TECHNOLOGY

BURN FAT FAST

Dietary Supplement - 240 Multi-Phase Capsules

RECOMMENDED USE TO BURN FAT FAST: Start off with only 2 multi-phase capsules on your first two days (1 in the morning and 1 in the afternoon) and increase dosage 2 multi-phase capsule every two days until maximum dosage of 4 multi-phase capsules per day is reached. From here on take 2 multi-phase capsules in the morning and an additional 2 multi-phase capsules in the afternoon. **DO NOT EXCEED 4 MULTI-PHASE CAPSULES PER DAY.** Do not take within 6 hours of sleep.

For optimum results Lipo-6X should not be taken with meals. Consume at least 30 minutes before a meal. Lipo-6X is best used in cycles. The suggested cycle length is 8 weeks followed by a 1 week break.

WARNING: Lipo-6X is not for use by persons under the age of 18. Do not use if pregnant or nursing. Do not exceed recommended dosage. **Do not consume synephrine, caffeine or thyroid-boosting compounds from other sources, including but not limited to, coffee, tea, soda and other dietary supplements or medications containing phenylephrine or caffeine.** This product contains caffeine. Lipo-6X is best taken in cycles. The suggested cycle length is 8 weeks followed by a 1 week break. Consult your physician prior to use if you are taking medication, including but not limited to, MAO inhibitors, anti-depressants, aspirin, non-steroidal anti-inflammatory drugs or products containing phenylephrine, ephedrine, pseudoephedrine, or other stimulants. Consult your physician prior to use if you have a medical condition, including but not limited to, heart, liver, kidney or thyroid disease, psychiatric disorders, difficulty urinating, diabetes, high blood pressure, cardiac arrhythmia, recurrent headaches, enlarged prostate or glaucoma. Discontinue 2 weeks prior to surgery. **Immediately discontinue if you experience rapid heart beat, dizziness, severe headaches or shortness of breath. KEEP OUT OF REACH OF CHILDREN.**

SUPPLEMENT FACTS
Serving Size 2 Multi-Phase Capsules — Servings Per Container: 120

Amount per serving	% Daily Value
Synephrine HCL 20mg	*
Yohimbine HCL 3mg	*
Synthetic Acacia Rigidula Mimicking Complex 100mg	*
Verified Grade of Activity Level: 100%	
Thyroid Stimulating Proprietary Matrix:	
β-Phenylethylamine HCL	*
N-Methyl-β-Phenylethylamine	*
Tyramine HCL	*
Hordenine	*
Caffeine Anhydrous 200mg	*
Synthetic Guggulsterones Z&E 1:1 20mg	*
Phase #1 Rapid Release Liquid Delivery Blend 806mg	*
Glycerin	*
Purified USP Water	

* Daily Value not established.

OTHER INGREDIENTS: *Vegetable Cellulose*†, Polysorbate 80, FD&C Blue #2

† This product utilizes only natural vegetable capsules that are free of animal products.

The statements on this label have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease. As individuals vary so may results. **Actual capsules may differ in appearance from capsule shown on label.**

Exhibit 9

LOSE WEIGHT! GET RIPPED!▲

Scientifically formulated with a clinically proven key complex, *Hydroxycut*™ *Hardcore Pro Series*™ has been designed to deliver significant weight-loss results to help you get ripped! There are many weight-loss claims on the market today that are not supported by scientific evidence. As a leader, the *Hydroxycut*™ *Hardcore Pro Series*™ key ingredients are backed by 2 clinical studies proving its ability to deliver real results.▲

CLINICALLY PROVEN IN 2 STUDIES!

The key complex in *Hydroxycut*™ *Hardcore Pro Series*™ was proven in two clinical studies! *Hydroxycut*™ *Hardcore Pro Series*™ has two separate studies to support its ultra-effective key complex.

[1] **Study One:** In one twelve-week, randomized, double-blind, placebo-controlled human clinical trial, 29 test subjects were given the key complex HydroxyPro™ (*Alchemilla vulgaris* extract, *Olea europaea* extract, *Cuminum cyminum* extract, *Mentha longifolia* extract) contained in *Hydroxycut*™ *Hardcore Pro Series*™ or they were given a placebo. Subjects using this key complex lost an average of 20.94 lbs. vs. those using the placebo, who lost an average of 1.70 lbs. Both groups followed a calorie-reduced diet.▲

[2] **Study Two:** A separate eight-week clinical research trial on 61 human subjects, funded by the makers of *Hydroxycut*™ *Hardcore Pro Series*™, demonstrated that those who used the same key complex contained in *Hydroxycut*™ *Hardcore Pro Series*™ lost an average of 16.50 lbs. vs. those using the placebo, who lost an average of 1.73 lbs.▲ Both groups followed a calorie-reduced diet.

TEST SUBJECTS LOST 7 TIMES MORE WEIGHT THAN PLACEBO!▲

[3] Data analysis of the results from both clinical trials on the key ingredients in *Hydroxycut*™ *Hardcore Pro Series*™ showed that there is statistical significance for test subjects losing 7 times more weight than placebo subjects.▲

DELIVERS EXTREME ENERGY FOR HARDCORE INTENSITY!▲

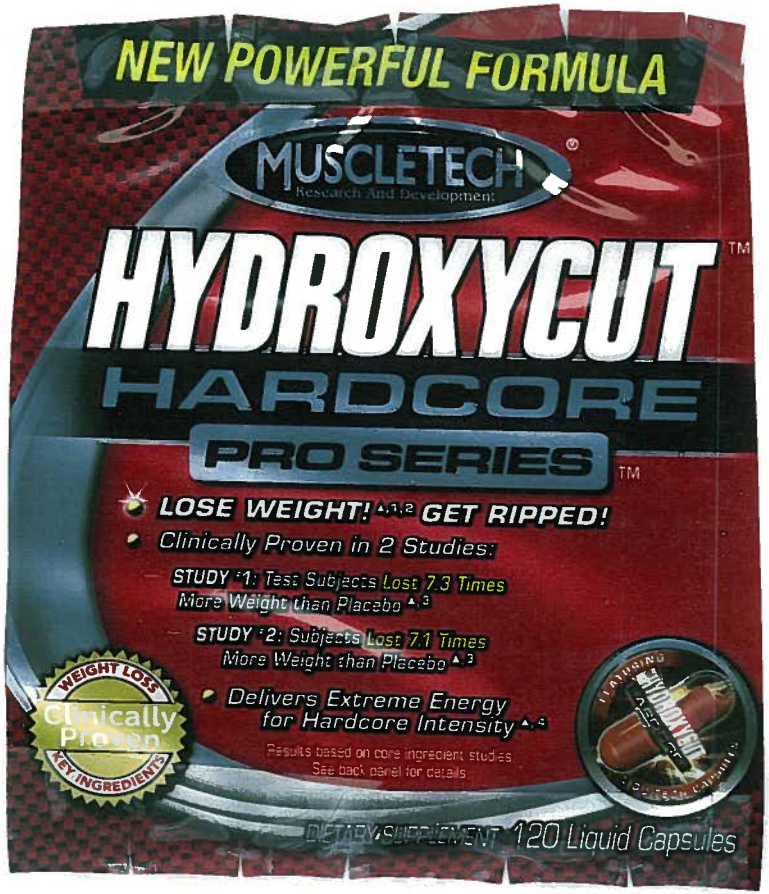
[4] *Hydroxycut*™ *Hardcore Pro Series*™ also contains an ingredient (caffeine [1,3,7-trimethylxanthine]) that's been shown to increase energy.▲

After your very first dose you'll experience extreme energy for hardcore intensity!▲

DIRECTIONS: To assess individual tolerance, for the first two days, start with one (1) capsule, taken with a glass of water two (2) times daily, approximately 30 minutes before your main meals. Do not snack after dinner or between meals. For days three and beyond, follow the chart below. Do not exceed two (2) caplets in a 4-hour period and/or six (6) caplets in a 24-hour period. Do not take within 5 hours of bedtime.

Day 1 and Day 2	1 Capsule 2x daily
Day 3 and Day 4	2 Capsules 2x daily
Day 5 and Beyond	2 Capsules 3x daily

For best results use *Hydroxycut*™ *Hardcore Pro Series*™ for 8-12 weeks in conjunction with a calorie-reduced diet and regular exercise program. Consume 8-10 glasses of water per day. Read the entire label before use and follow directions.



Supplement Facts

Serving Size: 2 LiquiTech™ Capsules
Servings Per Container: 60

Amount Per Serving	% Daily Value
Vitamin C (as ascorbic acid) 7mg	12%
Calcium 50mg	5%
Hydroxycut™ *Hardcore Pro Series*™ Blend 660mg	†
Capsimax™	
Caffeine anhydrous (1,3,7-trimethylxanthine)	
Oleic acid	
L-leucine	
L-methionine	
L-proline	
HydroxyPro™	
Alchemilla vulgaris extract (manemantle) (leaf)	
Olea europaea extract (wild olive) (leaf)	
Cuminum cyminum extract (cumin) (seed)	
Mentha longifolia extract (wild mint) (leaf)	
Lipidrex™	
L-tyrosine	
trans-ferulic acid	
Capsicaire™	
Capsicum annuum (cayenne) (fruit)	

† Daily Value not established.

OTHER INGREDIENTS: GELATIN CAPSULE (GELATIN, FD&C RED NO. 3, FD&C RED NO. 40), SESAME OIL, TRICALCIUM PHOSPHATE, CARAMEL COLOR, BIX (SHELLAC, PROPYLENE GLYCOL, SODIUM HYDROXIDE, POVIDONE, TITANIUM DIOXIDE, FD&C YELLOW NO. 5), GELATIN, POLYSORBATE 80. CONTAINS SOY AND WHEAT INGREDIENTS.

▲These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

Product Information Line: 1-877-502-2012

Capsule shown not actual size. 7038US 0810

WARNING: Not intended for use by persons under 18. Do not use if pregnant or nursing. Discontinue use and consult a medical doctor if you experience unusual symptoms. Consult a medical doctor before use if you have been treated for, diagnosed with or have a family history of any medical condition or if you are using any prescription or over-the-counter drug(s), including blood thinners. One serving (2 capsules) of this product contains up to as much caffeine as three cups of coffee (325mg). Caffeine sensitive individuals may experience the following symptoms including (but not limited to) restlessness, nervousness, tremors, headache, anxiety, palpitations, increased heart rate, or difficulty sleeping. Do not combine with other sources of caffeine. Consult a medical doctor before starting any diet or exercise plan. Do not exceed recommended serving. Improper use of this product will not improve results and is not advised. Use only as directed. Do not use if packaging has been tampered with. Store in a cool, dry place (60°F to 80°F). KEEP OUT OF REACH OF CHILDREN.

Made in the U.S.A. from international and domestic ingredients. Distributed by Iovate Health Sciences USA, Inc., 1105 North Market Street, Suite 1330, Wilmington, DE 19801.

Exhibit 10

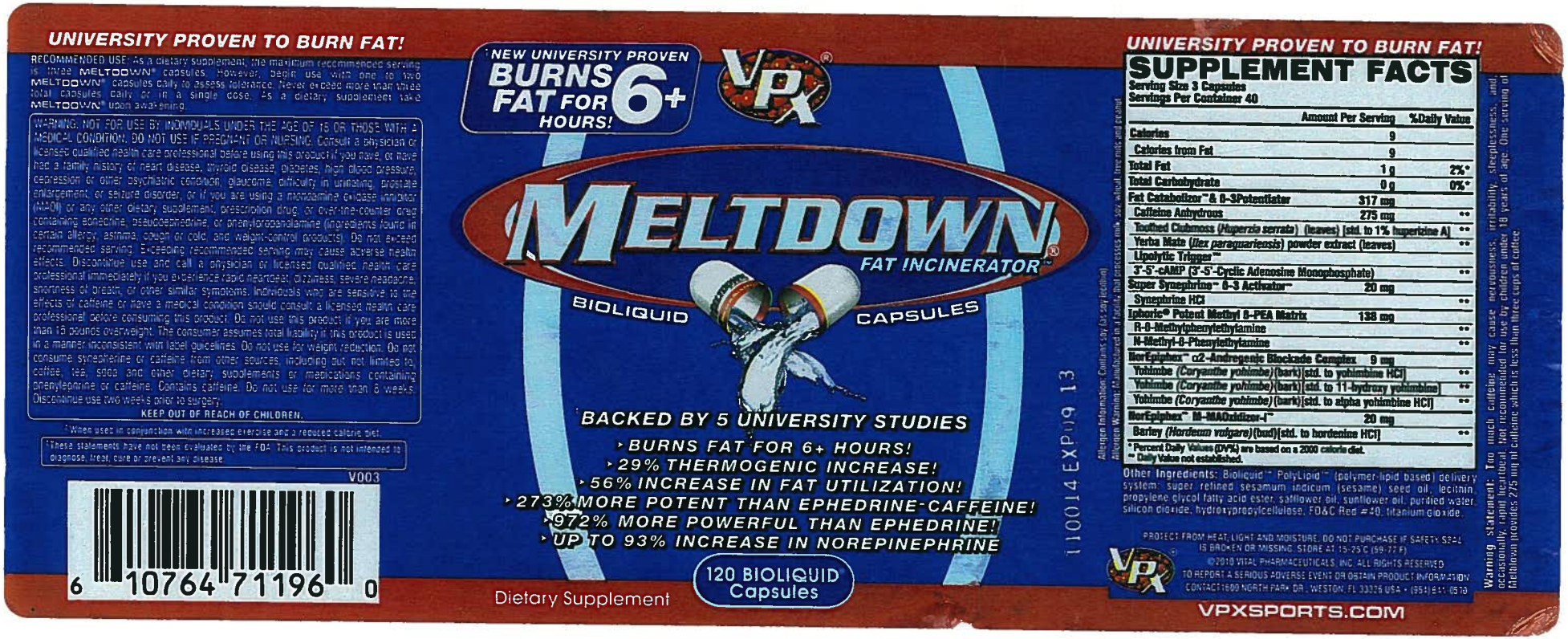


Exhibit 11

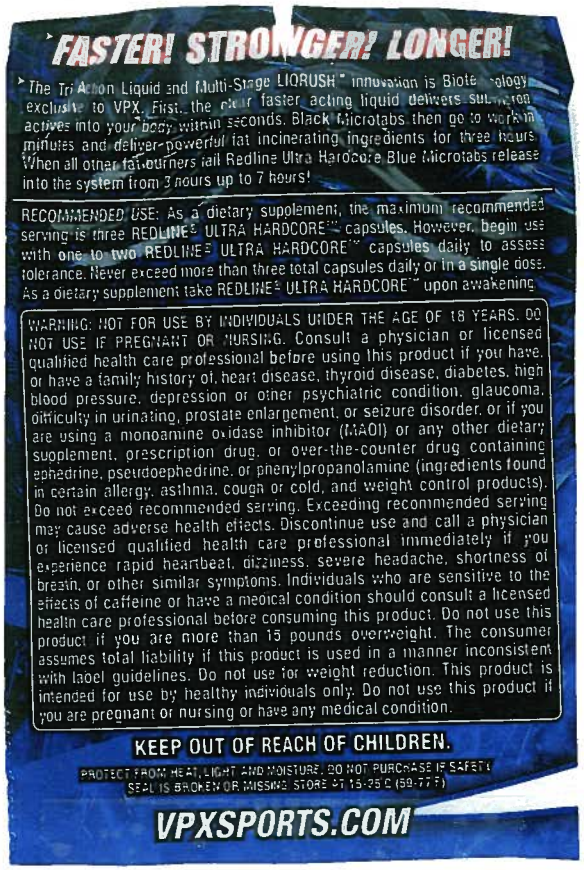


Exhibit 12

WARNING: USE WITH CAUTION DUE TO EXTREME POTENCY

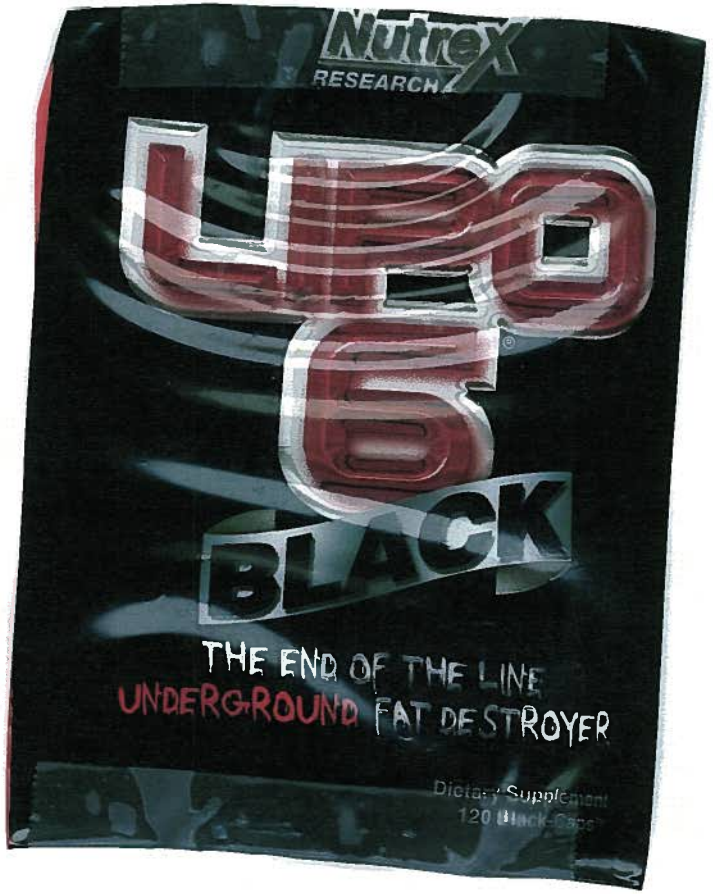
WHAT YOU'RE HOLDING IN YOUR HAND IS A BOTTLE OF THE MEANEST AND CRUELEST FAT DESTROYER THIS PLANET HAS EVER SEEN. LIPO-6 **BLACK**. WE WENT DOWN TO THE LABORATORY AND COOKED UP THE MOST VICIOUS BLEND OF FAT-BURNING COMPOUNDS IMAGINABLE. THIS WICKED FORMULA IS OPERATING IN A TERRITORY NO OTHER FAT DESTROYER HAS EVER DARED TO GO. LIPO-6 **BLACK** ATTACKS BODY FAT WITH A KILLER INSTINCT FORMULATED TO INSTANTLY DESTROY IT WHEREVER THE TWO MEET.

WARNING: IMPORTANT MUST READ: LIPO-6 Black is absolutely not for use by persons under the age of 21. Do not use if pregnant or nursing. Never exceed the recommended maximum dosage. Do not consume synephrine, caffeine or thyroid-boosting compounds from other sources, including but not limited to, coffee, tea, soda and other dietary supplements or medications containing phenylephrine or caffeine or any stimulants whatsoever. This product contains caffeine. Do not use this product for longer than 8 weeks and make sure that usage is followed by a 4 week off-period. Consult your physician prior to use if you are taking medication, including but not limited to, MAOI inhibitors, anti-depressants, aspirin, non-steroidal anti-inflammatory drugs or products containing phenylephrine, ephedrine, pseudoephedrine, phenylethylamine or other stimulants. Consult your physician prior to use if you have a medical condition, including but not limited to, heart, liver, kidney or thyroid disease, psychiatric disorders, dillicully urinating, diabetes, high blood pressure, cardiac arrhythmia, recurrent headaches, enlarged prostate or glaucoma. Discontinue use 2 weeks prior to surgery. Immediately discontinue if you experience rapid heart beat, dizziness, severe headaches or shortness of breath. This product contains ingredients that may be banned by some sports organizations. KEEP OUT OF REACH OF CHILDREN.

The statements on this label have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

Developed By And Manufactured Exclusively For:
Nutrex Research, Inc.
Oviedo, FL 32765 • Nutrex.com • 1-888-3NUTREX

LIPO6BLK_120CT-V4-US



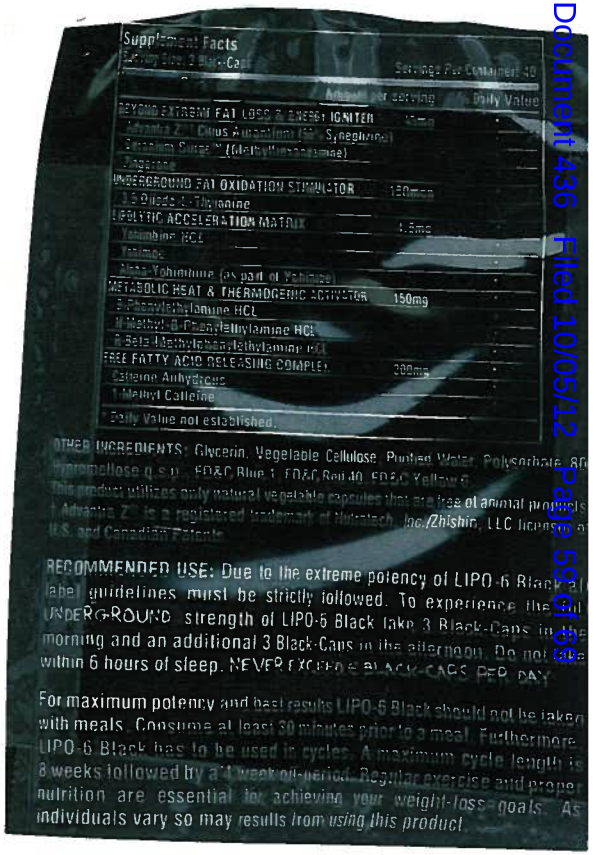
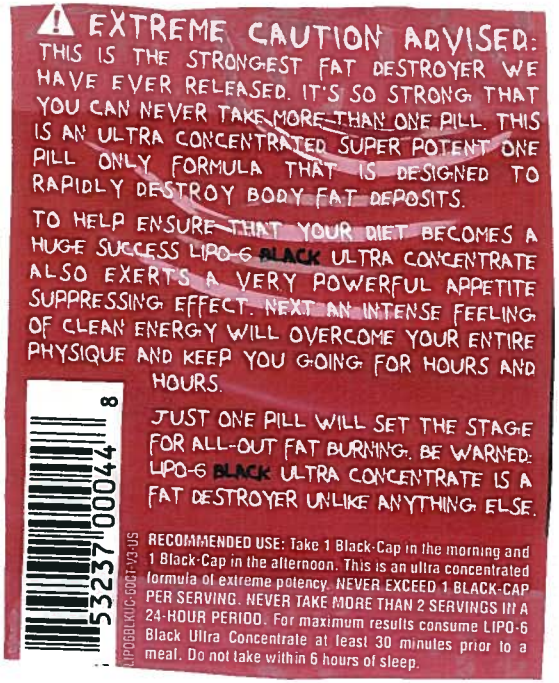


Exhibit 13

UNDERGROUND ONE PILL ONLY FAT DESTROYER



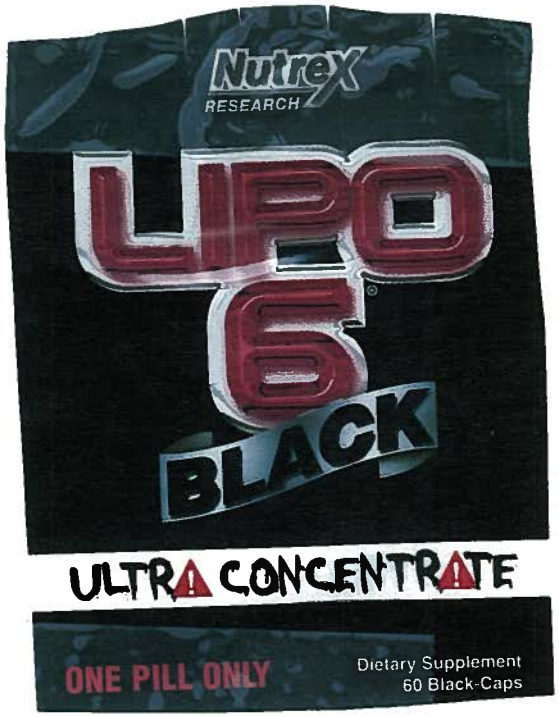
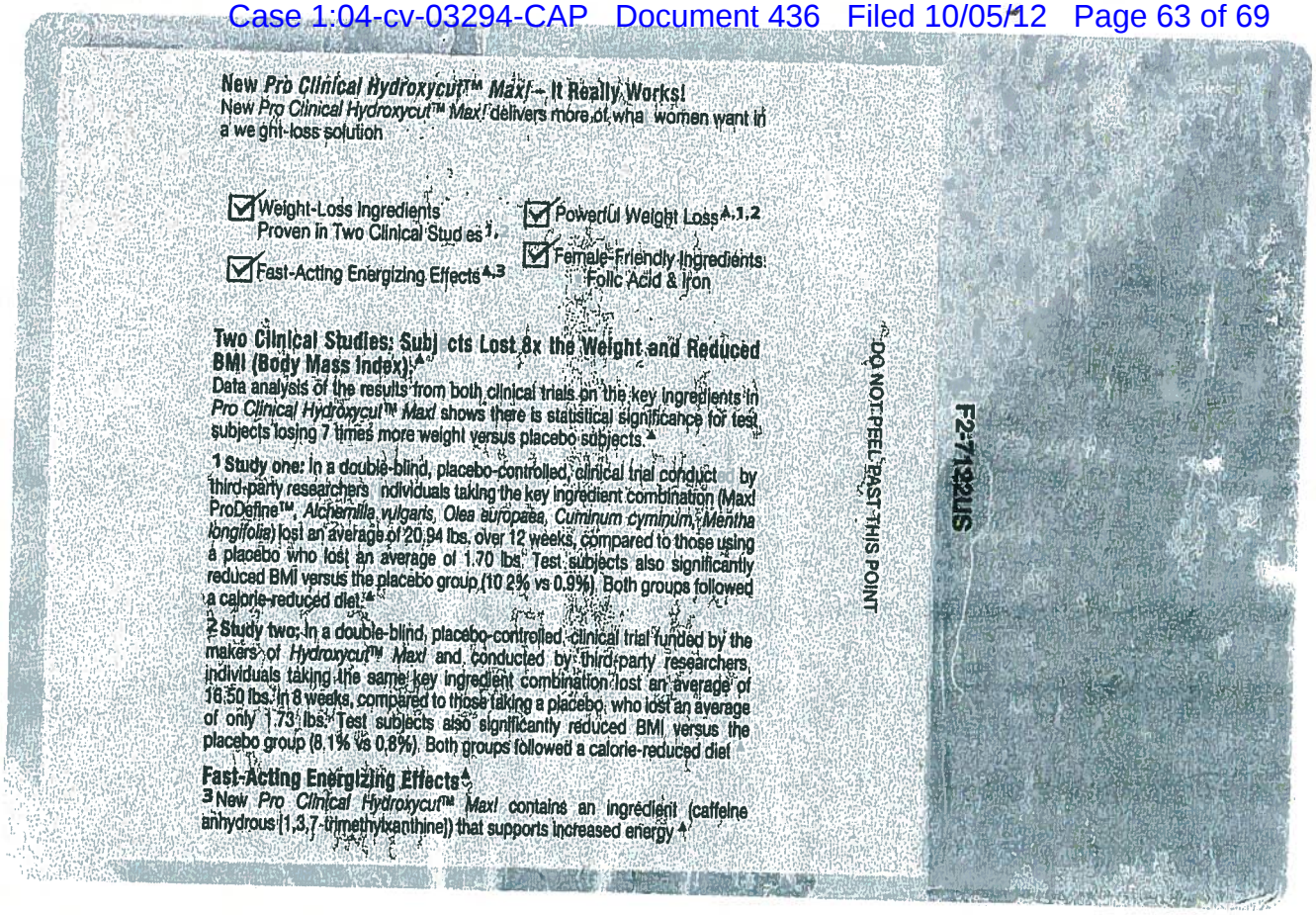


Exhibit 14



New *Pro Clinical Hydroxycut™ Max!* – It Really Works!
New *Pro Clinical Hydroxycut™ Max!* delivers more of what women want in a weight-loss solution

- ☑ Weight-Loss Ingredients Proven in Two Clinical Studies[1]
- ☑ Powerful Weight Loss[A,1,2]
- ☑ Fast-Acting Energizing Effects[A,3]
- ☑ Female-Friendly Ingredients: Folic Acid & Iron

Two Clinical Studies: Subjects Lost 8x the Weight and Reduced BMI (Body Mass Index).[A]
Data analysis of the results from both clinical trials on the key ingredients in *Pro Clinical Hydroxycut™ Max!* shows there is statistical significance for test subjects losing 7 times more weight versus placebo subjects.[A]

1 **Study one:** In a double-blind, placebo-controlled, clinical trial conducted by third-party researchers, individuals taking the key ingredient combination (Maxi ProDefine™, *Alchemilla vulgaris, Olea europaea, Cuminum cyminum, Mentha longifolia*) lost an average of 20.94 lbs. over 12 weeks, compared to those using a placebo who lost an average of 1.70 lbs. Test subjects also significantly reduced BMI versus the placebo group (10.2% vs 0.9%). Both groups followed a calorie-reduced diet.[A]

2 **Study two:** In a double-blind, placebo-controlled, clinical trial funded by the makers of *Hydroxycut™ Max!* and conducted by third-party researchers, individuals taking the same key ingredient combination lost an average of 16.50 lbs. in 8 weeks, compared to those taking a placebo, who lost an average of only 1.73 lbs. Test subjects also significantly reduced BMI versus the placebo group (8.1% vs 0.8%). Both groups followed a calorie-reduced diet.

Fast-Acting Energizing Effects[A]
3 New *Pro Clinical Hydroxycut™ Max!* contains an ingredient (caffeine anhydrous [1,3,7-trimethylxanthine]) that supports increased energy.[A]

DO NOT PEEL PAST THIS POINT

F27-12US

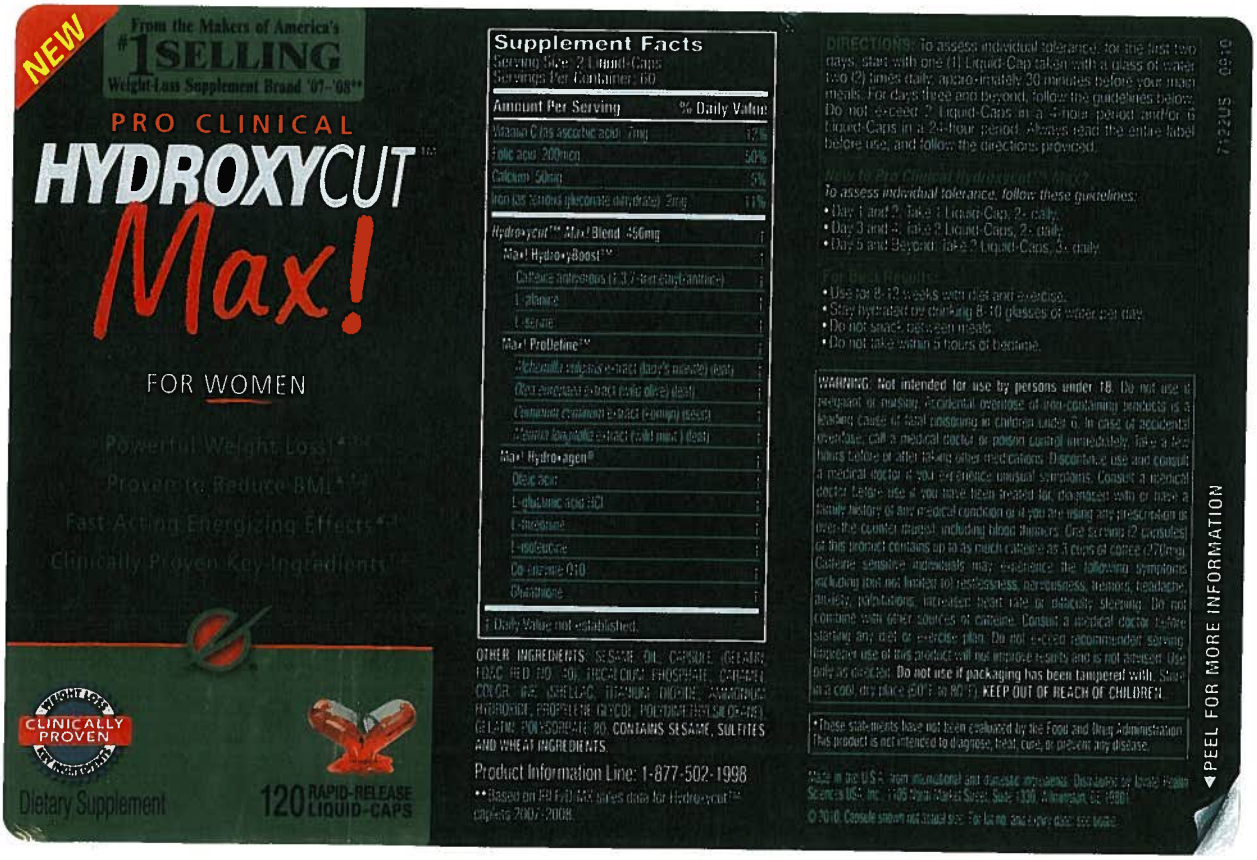


Exhibit 15

Directions for use: As a dietary supplement, begin by taking 1 capsule on an empty stomach 15-30 minutes before breakfast for the first three (3) days. An additional 1 capsule may be taken 5-6 hours later starting on day 4. Once the above steps have been taken, an additional capsule may be added to the morning dose. Under no circumstances should the initial dose be exceeded or the warnings on this bottle be ignored.

DO NOT USE PRODUCT FOR LONGER THAN 8 WEEKS FOLLOWED BY A SUBSEQUENT 4 WEEK PREAK. DO NOT EXCEED 3 CAPSULES IN ANY 24 HOUR PERIOD. Exceeding the recommended amounts or not following directions may lead to unwanted effects. Consume at least 125 Fl. Oz. of liquid per day for men and 91 Fl. Oz. of liquid per day for women while taking this product. Store in cool dry place. Discard after expiration date.

WARNING: This product is only intended to be consumed by [illegible] 4 years of age or older. Pregnant or nursing women should not use this product. Consult with your health care provider before using this product, especially if you are taking any prescription, over the counter medication, dietary supplement product or if you have any pre-existing medical condition including but not limited to: high or low blood pressure, cardiac arrhythmia, stroke, heart, liver, kidney or thyroid disease, seizure disorder, psychiatric disease, diabetes, difficulty urinating due to prostate enlargement or if you are taking a MAO-B inhibitor or any other medication, including but not limited to MAOIs, SSRIs or any other compounds with serotonergic activity. This contains caffeine and should not be taken by individuals wishing to eliminate this ingredient from their diet. Discontinue use 2 weeks prior to surgery. Do not use in combination with caffeine or any stimulants from other sources whatsoever, including but not limited to, coffee, tea, soda and other dietary supplements or medications. Do not combine with alcohol. Discontinue use and immediately consult your health care professional if you experience any adverse reaction to this product. Do not exceed recommended serving. Do not use if safety seal is broken or missing. KEEP OUT OF REACH OF CHILDREN.

† These statements have not been evaluated by the Food and Drug Administration. This product is not intended to treat, diagnose, cure or prevent any disease.

PHARMACIST FORMULATED

USP labs

OxyELITE Pro®

Super Thermogenic™

University Studied

OxyELITE Pro is Pharmacist-formulated & **must be used with extreme caution**, only by healthy adults capable of handling its true power. It is *mandatory* that users get clearance from their physician before use.

DIETARY SUPPLEMENT **90 Capsules**

Supplement Facts

Serving Size 1 Capsule

	Amount per serving	% Daily Value
Proprietary Blend	119.5 mg	*
Bauhinia Purpurea L. (Leaf and Pod) Extract, Bacopa (Leaf) (Bacopa Monnieri) Extract, 1,3-Dimethylamylamine HCl, Cirsium Oligophyllum (Plant) Extract, Yohimbe (Pausinystalia Johimbe) Bark Extract (Contains Rauwolscine HCl)		
Caffeine	100 mg	*

* Daily value not established

Other Ingredients: Modified Starch, Gelatin, Vegetable Stearate, Silicon Dioxide, Red 3, Blue 1, Red 40, Titanium Dioxide Color.

Manufactured for USPlabs, LLC (Dallas, TX 75220)

Questions, comments or concerns can be directed to our forums at **www.usplabsdirect.com** or by phone at: **1-800-890-3067** (9-5 EST Mon-Fri)

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L-0115-04

Exhibit 16

NEW MAXIMUM HARDCORE XENADRINE® RIPPED™

A dedicated team of supplement experts has formulated the new weight-loss powerhouse – Maximum Hardcore Xenadrine® RIPPED™. The new maximum hardcore liquid formula is designed to help you lose weight to reveal the razor-sharp definition in the hard-earned muscle you've trained for. In fact, the potent formula is engineered with key ingredients proven in two clinical studies is designed to help you get absolutely shredded.▲

HARDCORE WEIGHT-LOSS COMPLEX▲

1 In one twelve-week, randomized, double-blind, placebo-controlled human clinical trial, 29 individuals took the key ingredient combination (*Alchemilla vulgaris extract, Olea europaea extract, Cuminum cyminum extract, Mentha longifolia extract*) in new Maximum Hardcore Xenadrine® RIPPED™ and lost an average of 20.94 pounds. The placebo group lost an average of 1.70 pounds. Both groups followed a calorie-reduced diet.▲

2 An eight-week clinical trial on human subjects, funded by the makers of Maximum Hardcore Xenadrine® RIPPED™, showed that those who used the same key ingredient combination lost 16.50 pounds versus 1.73 pounds for the placebo group. Both groups followed a calorie-reduced diet.▲

8 TIMES THE WEIGHT LOSS SHOWN IN TWO KEY INGREDIENT CLINICAL STUDIES▲

4 Data analysis of the results from both clinical trials on the key ingredients in Maximum Hardcore Xenadrine® RIPPED™ showed there is statistical significance for test subjects having lost 8 times the weight compared to the placebo subjects.▲

EXTREME ENERGY FOR AMPLIFIED INTENSITY▲

3 Maximum Hardcore Xenadrine® RIPPED™ also contains an ingredient (caffeine (1,3,7-trimethylxanthine)) that's been shown to increase energy.▲

WARNING: Not intended for use by persons under 18. Do not use if pregnant or nursing. Discontinue use and consult a medical doctor if you experience unusual symptoms. Consult a medical doctor before use if you have been treated for or diagnosed with, or have a family history of any medical condition, or if you are using any prescription or over-the-counter drug(s), including blood thinners. One serving (2 capsules) of this product contains up to as much caffeine as 3 cups of coffee (255mg). Caffeine sensitive individuals may experience the following symptoms including but not limited to) restlessness, nervousness, tremors, headache, anxiety, palpitations, increased heart rate, or difficulty sleeping. Do not consume with other sources of caffeine. Consult a medical doctor before starting any diet or exercise program. Do not exceed recommended serving. Improper use of this product will not improve results and is not advised. Use only as directed. Do not use if packaging has been tampered with. Store in a cool, dry place (60°F to 80°F). KEEP OUT OF REACH OF CHILDREN.

50% MORE SERVINGS!

NEW MAXIMUM HARDCORE

Xenadrine® RIPPED™

HARDCORE WEIGHT-LOSS COMPLEX▲ 1, 2

CRANKS UP ENERGY▲, 3

Get Shredded!▲

- 8 TIMES THE WEIGHT LOSS AS SHOWN IN TWO KEY INGREDIENT CLINICAL STUDIES▲, 4
- LOSE WEIGHT TO REVEAL RAZOR-SHARP DEFINITION▲
- EXTREME ENERGY FOR AMPLIFIED INTENSITY▲, 3

Featuring LiquidHEAT™ Technology

120 Capsules

DIETARY SUPPLEMENT

Supplement Facts

Serving Size: 2 liquid capsules
Servings Per Container 60

Amount Per Serving	% Daily Value
Vitamin C (as ascorbic acid) 75mg	125%
Vitamin B1 (as thiamin mononitrate) 2.25mg	200%
Riboflavin 2.55mg	200%
Niacin (as nicotinic acid) 25mg	208%
Vitamin B6 (as pyridoxine hydrochloride) 2.4mg	200%
Vitamin B12 (as cyanocobalamin) 12mcg	200%
Pantothenic acid (as calcium d-pantothenate) 2mg	200%
Calcium 50mg	5%
Cytodyne™ RFA-X Blend 434mg	
Primostim™	
Caffeine anhydrous	
L-carnitine alpha-ketoglutarate, HCl sodium salt	
Serenoa repens fruit (saw palmetto)	
Inositol	
L-lysine HCl	
Arimicut™	
Alchemilla vulgaris leaf extract (lady's mantle)	
Olea europaea leaf extract (wild olive)	
Cuminum cyminum seed extract (cumin)	
Mentha longifolia leaf extract (wild mint)	
Ampli FX™	
GABA (gamma-amino butyric acid)	
Medicago sativa leaf and stem (alfalfa)	
L-histidine	
Myodrene Ripped™	
Hydrocotyle prieocides plant (muira puama)	
Ginkgo biloba leaf (ginkgo)	

†Daily Value not established.

OTHER INGREDIENTS: SESAME OIL, GELATIN CAPSULE (FD&C BLUE NO. 1, FD&C RED NO. 40, GELATIN), TRICALCIUM PHOSPHATE, INK (SHELLAC, PROPYLENE GLYCOL, SODIUM HYDROXIDE, POVIDONE, TITANIUM DIOXIDE), GELATIN, POLYSORBATE 80. CONTAINS SESAME INGREDIENTS

Product Information Line:
1-877-359-5853

Distributed by Iovate Health Sciences U.S.A. Inc. 1605 North Market Street, Suite 1330 Wilmington, DE 19801. Made in the U.S.A. from international and domestic ingredients. ©2010.

For lot no. and expiry date: see bottle.

Capsule shown not actual size.

DIRECTIONS: To assess individual tolerance, for the first two days, start with one (1) capsule taken with a glass of water once (1) times daily, approximately 30 minutes before your main meals. Do not supplement during or between meals. On days three and beyond, follow the chart below. Do not exceed five (5) capsules in a 24-hour period. Do not take within 6 hours of bedtime. For best results use Xenadrine® RIPPED™ for 8-12 weeks in conjunction with a calorie-reduced diet and regular exercise program. Consume 8-10 glasses of water per day. Read the entire label before use and follow directions.

Day 1 and Day 2	1 Capsule 2x daily
Day 3 and Day 4	2 Capsules 2x daily
Day 5 and Beyond	2 Capsules 3x daily

5 Now you need only 2 liquid-caps per serving with new Xenadrine® Ripped™ (60 servings per bot.) versus 3 liquid-caps per serving with the previous Xenadrine® Ripped™ formula (40 servings per bottle).

† These statements have not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

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Exhibit 17

LOT 1155853EXP.11/13

3 58286 55001 7

† This statement has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease.

IMPORTANT: READ INSTRUCTIONS ON REVERSE SIDE BEFORE USE.

SUPPLEMENT FACTS	
SERVING SIZE: 1 CAPSULE	
	AMOUNT PER SERVING
PROPRIETARY BLEND CAMELLIA SINENSIS 60% POLYPHENOLS (GREEN LEAVES), YOHIMBINE ALKALOIDS (PAUSINYSTALIA YOHIMBE BARK), 6',7' - DIHYDROXYBERGAMOTTIN (FRUIT), CAMELLIA SINENSIS 60% POLYPHENOLS (WHITE LEAVES), CAPSICUM ANNUUM (FRUIT)	255mg*
CAFFEINE (ANHYDROUS)	150mg*
*DAILY VALUE NOT ESTABLISHED	

OTHER INGREDIENTS: DI BASIC CALCIUM PHOSPHATE, GELATIN, DEXTROSE, STEARIC ACID, MAGNESIUM STEARATE, TITANIUM DIOXIDE, SILICON DIOXIDE, FD&C YELLOW #5, FD&C YELLOW #6

SUGGESTED USE: ONE CAPSULE AFTER MEALS. DO NOT EXCEED THREE DAILY.

WARNING: NOT RECOMMENDED FOR USE BY MINORS. DO NOT USE IF YOU ARE PREGNANT OR NURSING. CONSULT A PHYSICIAN OR LICENSED QUALIFIED HEALTH CARE PROFESSIONAL BEFORE USING THIS PRODUCT IF YOU HAVE, ARE AT RISK FOR, OR HAVE A FAMILY HISTORY OF STROKE, HEART DISEASE, THYROID DISEASE, LIVER DISEASE, KIDNEY DISEASE, ULCER, DIABETES, HIGH BLOOD PRESSURE, CAFFEINE SENSITIVITY, RECURRENT HEADACHES, ANXIETY, DEPRESSION OR OTHER PSYCHIATRIC CONDITION, GLAUCOMA, DIFFICULTY URINATING, PROSTATE ENLARGEMENT, SEIZURE DISORDER, OR IF YOU ARE USING ANY OTHER DIETARY SUPPLEMENT, OR A MONOAMINE OXIDASE INHIBITOR (MAOI), PRESCRIPTION DRUG OR OVER-THE-COUNTER DRUG CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE (FOUND IN SOME ALLERGY, ASTHMA AND COUGH/COLD PRODUCTS). DO NOT EXCEED RECOMMENDED SERVING. INDIVIDUALS WHO EXCEED THE RECOMMENDED SERVING OR CONSUME CAFFEINE WITH THIS PRODUCT MAY EXPERIENCE SERIOUS ADVERSE HEALTH EFFECTS, INCLUDING MUSCLE FUNCTION LOSS, CHILLS AND VERTIGO. STOP USE AND CALL A PHYSICIAN OR LICENSED QUALIFIED HEALTH CARE PROFESSIONAL IMMEDIATELY IF YOU EXPERIENCE RAPID HEARTBEAT, NAUSEA, INSOMNIA, DIZZINESS, SEVERE HEADACHE, SHORTNESS OF BREATH, OR SIMILAR SYMPTOMS. IN CASE OF OVERDOSE SEEK PROFESSIONAL ASSISTANCE OR CONTACT A POISON CONTROL CENTER IMMEDIATELY. AVOID ALCOHOL AND FOODS WITH TYRAMINE (SUCH AS CHEESE, RED WINE AND LIVER) WHILE TAKING THIS PRODUCT.

(WARNINGS/INFORMATION CONTINUED ON BACK OF LABEL)

PEEL HERE

NOT RECOMMENDED FOR USE BY MINORS
KEEP OUT OF REACH OF CHILDREN

MANUFACTURED BY: NVE PHARMACEUTICALS, THE MAKERS OF STACKER 2®

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